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Rudy Giuliani Battles His Enemies—and Himself

BY FRED SIEGEL

PLUS:

David Grann Penetrates the Last Commie Spy Ring

Richard A. Posner Prosecutes Janet Malcolm

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THE NEW REPUBLIC

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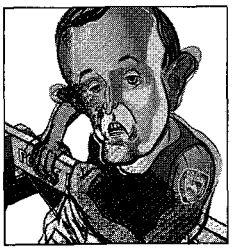

Illustration by Robert Babboni for THE NEW REPUBLIC. Article on page 14.

4 **CORRESPONDENCE** Global intervention, the Hungarian exception, &c.

6 **CHARLES LANE** TRB: INDEPENDENCE DAY A new strategy for the U.S. war in Kosovo.

7 **THE EDITORS** GOING TO GROUND NATO's narrowing options in Kosovo.
NOTEBOOK Peace under the golden arches, &c.

8 **ROBERT GLADREEPER** BELGRADE DISPATCH: SIREN SONG There's only one thing scarier than the nationalist propaganda blaring from Serbian TV and radio: most Serbs seem to believe it.

10 **KURT SCHORK** KOSOVO DISPATCH: ESCAPE ROUTE A reporter's nightmarish journey out of Pristina on the day the war began in Yugoslavia.

11 **JACOB HEILBRUNN** FULL RETREAT As NATO bombs fall on Kosovo, foreign policy confusion envelops the Republican Party.

13 **JASON ZENGERLE** WELCOME MAT Is an ongoing exchange program with the Chinese military worth the risks?

14 **FRED SIEGEL** RUDY AWAKENING Mayor Giuliani's biggest mistake was misreading his 1997 reelection as a validation of his leadership style rather than his policies. As a result, he's given his adversaries a chance to advance their own agendas—and undo much of the city's remarkable progress.

19 **DAVID GRANN** THE STASI AND THE SWAN How three desperate American Communists kept trying to betray their country to foreign powers—even after the Soviet empire had collapsed.

28 **STANLEY KAUFFMANN** ON FILMS: CRIMES AND MISDEMEANORS *True Crime* is not very true; *Cookie's Fortune* is not very interesting.

29 **RICHARD A. POSNER** IN THE FRAUD ARCHIVES *The Crime of Sheila McGough* by Janet Malcolm

34 **ARTHUR C. DANTO** BLINDNESS AND INSIGHT *Sight Unseen* by Georgina Kleege

36 **YEHUDAH MIRSKY** THE RHAPSODIST *Abraham Joshua Heschel: Prophetic Witness* by Edward K. Kaplan and Samuel H. Dresner; *Moral Grandeur and Spiritual Audacity: Essays* by Abraham Joshua Heschel, edited by Susannah Heschel

40 **ANDREW ZAWACKI** POEM *Parachutes For Would Be Suicides*

43 **MARTHA C. NUSSBAUM AND HER CRITICS** AN EXCHANGE

46 **PETER BEINART** NEW HAVEN DIARIST: WAYWARD SONS

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CORRESPONDENCE

Fantasy world

To the editors:
In "A World Imagined," Charles Krauthammer points out correctly that, despite appearances, there is a coherent liberal foreign policy (March 15). But Krauthammer misunderstands that policy. The new liberal foreign policy is predicated on the theory of a "democratic peace"—that a community of established democracies is inherently peaceful and stable. The basic goal of the new liberal foreign policy, then, is to expand the community of democratic countries.

Krauthammer creates a straw man by asking: "What community of interests is there among, say, Brazil, Iraq, Zimbabwe, and the United States?" Of course, the Iraqi leadership and the United States do not have many shared interests. However, the developed democracies—which now include North America, Western Europe, much of Eastern Europe, and many countries in Asia and Latin America—do form an enduring community of shared values and interests. The nucleus of this community cooperated effectively for more than 40 years to counter the military and ideological threat of communism. This community, in its newly expanded form, shares a common approach to the rest of the world, based on support for human rights, capitalist democracy, and peaceful resolution of conflicts. Despite occasional disagreements over tactics, the basic goals are not in dispute.

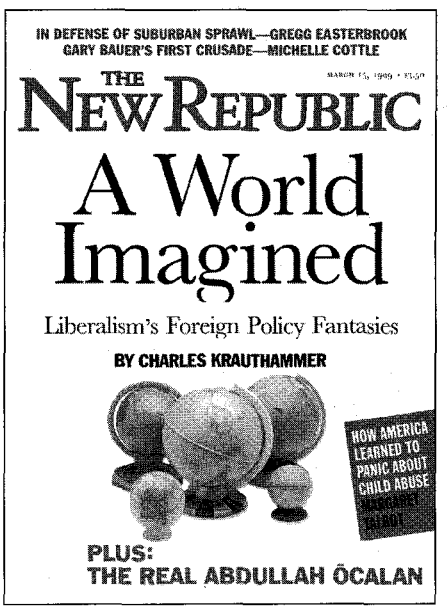
This community of developed democracies now has the power to transform the international system over time. As the richest and most powerful member of this community, the United States can, and should, take the leading role in this effort.

BERTRAM D. BRAUN
Silver Spring, Maryland

To the editors:
Charles Krauthammer is right to assert that the post-cold-war world "is not all muddle," but his discussion of that world is itself muddled. If there is indeed a course of action to be found in his broadside against what he calls liberal foreign policy, it is not so different from the one demonstrated by the self-deluding Kellogg-Briand Pact of 1928 he cites. Devised in the spirit of isolationism, it was clearly intended to let Americans pull up the drawbridge and ignore the rumblings of foreign militarism. One can conclude only that his denial of both activism and the possibility of an international community means that the United States should live as a solitary entity in a Hobbesian world.

The United States, he forgets, is in the unique position among nations of having the power, the freedom, and the resources to intervene in today's tactical, rather than strategic, conflicts. U.S. interests are necessarily more broadly defined than the national interests of, say, Canada. (Incredibly, Canadians will be surprised to learn that, according to Krauthammer, "quelling teacup wars" is a task in line with their national interests—not ours.)

His favorite example of when national interest and the use of force magically combine in the right proportions is the


IN DEFENSE OF SUBURBAN SPRAWL—GREGG EASTERBROOK
GARY BAUER'S FIRST CRUSADE—MICHELLE COTTLE
THE NEW REPUBLIC
A World Imagined
Liberalism's Foreign Policy Fantasies
BY CHARLES KRAUTHAMMER
HOW AMERICA LEARNED TO PANIC ABOUT CHILD ABUSE
PLUS:
THE REAL ABDULLAH ÖCALAN

Gulf war. Yet the extremely limited nature of U.S. military engagement with Iraq—fighting Saddam Hussein while deliberately aiming not to destroy his state or his armed might—established the cornerstone of the illusory 1990s paradigm of reliance on diplomacy, trusting that signatories to agreements will keep their word.

Krauthammer seems to be suggesting that America should allow fear of its enemies to dictate the national interest. It is unquestionably in the interest of rogue regimes such as Iraq and Milosevic's Serbia to keep us off the moral high road. Internationalism and humanitarianism are values antithetical to their motives.

BERT D. YAEGER
New York, New York

To the editors:
Kudos to Charles Krauthammer for illustrating the destructive nature of the Clinton administration's foreign policy, which is guided by modern liberalism's "antipathy to any notion of national interest" and which serves to disarm America, embolden evil countries like Iraq and North Korea, and sacrifice America to tribal conflicts in Africa and Bosnia. But Krauthammer is wrong to assert, "In private conduct, altruism is the ideal; for a nation, however, it can mean ruin." Altruism—the belief that one should sacrifice oneself to others—is also ruinous in private conduct because it consists of punishing virtue and rewarding vice on an individual basis. What primarily prevents individuals from murdering, looting, and enslaving each other within a civil nation is not a "supreme central authority," as Krauthammer suggests, but the antithesis of altruism—rational self-interest.

GLENN WOICESHYN
Calgary, Alberta

Frauds and facts

To the editors:
Charles Lane's informative review of David Stoll's book on the celebrated Rigoberta Menchú autobiography not only succeeds in conveying the fraudulent aspects of the book but stimulates reflection about the longstanding refusal of the left to give up its Third-World-noble-savage fantasies ("Deceiving Is Believing," March 8).

I was particularly struck by the comment of Professor Marjorie Agosin: "Whether her book is true or not I don't care" since it lends itself to didactic purposes, i.e., discrediting the Guatemalan military and U.S. foreign policy. What seems to count is the emergence of an impressive victim whose sufferings can be used to discredit the society the academic social critics detest. The alleged evils of American society or U.S. foreign policy seem to need virtuous counterparts for a plausible morality tale.

With the decline of political protest in the United States and the fall of Soviet communism, it has apparently become especially important for the radical critics of the United States to insist on the untarnished reputation of icons such as Rigoberta Menchú.

PAUL HOLLANDER
Northampton, Massachusetts

Hungarian spirits

To the editors:
It's not often that Stanley Kauffmann says something "puzzles" him ("More Than Facts," March 8). In his review of the Hungarian Holocaust movie *The Last Days*, released by the Spielberg organization, Kauffmann wonders how

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the people interviewed about their lives in Hungary during a period of native anti-Semitism that culminated in the murders of hundreds of thousands in 1944–45 could speak fondly about "harmony" and "seren[ity]" when such tensions bubbled under the surface. It's a good point to ponder.

I know a bit about the history of Hungarian Jews, including a recent flap over heroic status being accorded to Giorgio Perlasca, an Italian businessman residing in Budapest at the end of the war who is viewed by some as a worthy helper of Raoul Wallenberg and by others as an opportunist. In fact, Hungarian Jewish history was full of such contradictions. Kauffmann might note that virtually nowhere else in Europe was there such pride in assimilation and social status. The Jews of Budapest may have surpassed even those in Vienna and Berlin in their professional standing; in startlingly high numbers they seemed to dominate the public life of the city. Alongside a strong Orthodox tradition, assimilationism appeared triumphant to many. Again, for the first years of the war, their seeming immunity to deportation and oppression appeared to echo their privileged existence. Only when things changed brutally, the awakening was especially traumatic.

Surely the large Jewish population may have lived rather idyllically in "harmony" and "seren[ity]" for the great decades preceding fascist rule. They had the ability to inure themselves, to deny and look the other way. Hungary has always been a bit of a "special case." That Jews there could speak nostalgically of it even today should not surprise given the differences from Jewish life in Poland, in Russia, even in Austria and Germany.

MARK BERNHEIM
Oxford, Ohio

What's in a name

To the editors:

Thomas Goltz's Ankara Dispatch ("Kurdled," March 15) finds a hint in Abdullah Öcalan's name of "an Armenian forefather who converted to Islam." In fact, this Ottoman-Turkic appellation draws legitimacy from a mixture of religion and politics not less complex than the societal problem at hand. On the one hand, Abd-Allah means "worshiper of Allah the Merciful" in Arabic, and, on the other hand, Öc-Alan means "he who takes revenge" in Turkish. The combination is one that feeds on celestial love and terrestrial hate—the stuff on which "just wars" and crusades, jihads and intifadas are made to run.

J.V. CIPRUT
Taipei, Taiwan

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THE PITY OF WAR

Explaining World War I

NIALL FERGUSON

In a radical reassessment of the First World War, Oxford historian Niall Ferguson argues that the fatal conflict between Britain and Germany was far from inevitable. Rather, evidence suggests that bungled British initiatives and economic mismanagement were the real culprits in pushing the world beyond the brink of war, and thereby altering the global balance of power.

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**Kirkus Reviews* (starred)

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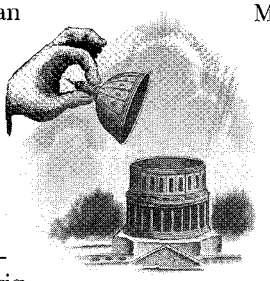
FROM WASHINGTON

Independence day

When he went to war against Southern secessionists in 1861, Abraham Lincoln's objective was to put down a rebellion. By the time he wrote the Emancipation Proclamation in 1863, Lincoln's war aims had expanded to include the abolition of slavery, which he rightly regarded as the Confederacy's political and economic center of gravity. A war to save the Union grew into a fight to make men free.

President Clinton faces a similar reality today in Kosovo. The United States and NATO launched their air strikes to force Yugoslavia's Serbian boss, Slobodan Milosevic, to accept the Rambouillet peace plan, under which the Kosovar Albanians would have autonomy within Yugoslavia, guaranteed by NATO ground forces. The bombing has indeed shown that NATO is not to be trifled with—and it has made Milosevic pay a price both for his obduracy at the negotiating table and for his crimes against humanity. But it has not budged him on Rambouillet. To the contrary, the NATO onslaught has reinforced Milosevic's hold on power in Belgrade by permitting him to pose as the defender of sacred Kosovo. Meanwhile, the humanitarian crisis worsens.



Like Lincoln, Clinton is learning that a seemingly weaker enemy cannot be cowed by superior force if that enemy is animated by an ideology—even a morally bankrupt ideology. But, now as then, the solution is not to stick to one's original, limited war aims—much less to scale them back. Rather, the appropriate response—the Lincolnesque one, if you like—is to expand our war aims. Forget Rambouillet. And definitely forget the notion, recently set forth by Thomas L. Friedman of *The New York Times*, of fighting for negotiated autonomy guaranteed by a non-NATO peacekeeping force including Russian troops to reassure the Serbs. That amounts to a Milosevic victory.

What's the alternative? The answer begins with a moral analysis. Don't be swayed by those who say the Kosovo battle is an ancient ethnic quarrel in which outsiders have no stake. French President Jacques Chirac—head of a state not known for its moralistic foreign policy—had it right when he said that modern Europe cannot countenance the methods from the "Dark Ages" by which Milosevic has attempted to control Kosovo ever since he abolished its autonomy in 1989. Clinton and NATO were right to draw this line.

Still, this judgment must be a qualified one. The Kosovo Liberation Army (KLA) has also committed its share of executions, both of Serbs and of alleged Albanian "informers." Some of its leaders have undemocratic or even criminal backgrounds. Especially after so much Albanian blood has been spilled, it is doubtful that a KLA-ruled Kosovo would respect the rights of the Serb minority or even the rights of Albanians themselves.

Also, though Serb propaganda has grossly exaggerated it, there is a real Serb emotional and historical connection to the soil of Kosovo. Not even Milosevic's Serbian opponents have ever argued otherwise. Any solution must take core Serbian interests in certain historical and religious monuments into account.

Which brings us to the politico-military analysis. While NATO is doing its best to cripple Milosevic's military machine, the Serb war against both the KLA and the population of Kosovo continues. Milosevic's ethnic cleansing of Kosovo appears to be a classic instance of the old counterinsurgency strategy of draining the sea of sympathetic civilians in which guerrillas must swim. Milosevic's troops are clobbering KLA units while executing and expelling Albanian civilians.

Taking these various moral, political, and military factors into account, NATO's new war aim should be an independent Kosovo—but not necessarily an independent Kosovo that consists of the province's entire territory. Rather, we should be prepared to partition the province into two states. One, made up of the bulk of the territory to the south and west, would be an Albanian state. The other, consisting of the northern and eastern fringes, including the sacred Serbian monuments at Kosovo Polje and Gracanica, would be incorporated into Serbia. The new boundaries would be

continued on page 45

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THE NEW REPUBLIC

APRIL 19, 1999

GOING TO GROUND

International crises tend to shed a clarifying light on the true nature of relations among states, and the war in Yugoslavia is no exception. The United States, engaged in a high-risk battle to protect the people of Kosovo from a brutal fate, has learned a lot about who it can really trust in the world today. Greek and Italian waffling aside, NATO has stood fast. But the Clinton administration's would-be "partners" in Russia and China have shown true colors of a different sort. Beijing looks toward the bloodbath in the Balkans and sees only "a blatant aggression and act of vandalism"—by NATO. China further declares that "the international community has a moral imperative to rise up against this barbarity." Yes, they're only words, but sometimes words are connected to real feelings and ideas; and feelings and ideas have consequences. When this is all over, will the Clinton administration find a way to hold China to account for this extraordinary tantrum?

As for the Russians, they, too, have condemned the country upon whose taxpayer dollars they still hope to rely for yet another bailout. Prime Minister Yevgeny Primakov made a "peace" mission to Belgrade that looked more like a voyage of solidarity with Slobodan Milosevic. Moscow followed it by announcing the deployment of one warship and possibly six more to the Mediterranean. And why did the head of Russian intelligence accompany Primakov? We hope it wasn't in order to offer Belgrade Russian satellite photos of NATO troop deployments or, say, access to Moscow's secret archives on NATO plans, methods, and codes. If the Russians do engage in this kind of mischief, then they, too, will have to pay a price, starting with a delay—or cancellation—of the International Monetary Fund billions they want so desperately.

So one salutary consequence of the NATO operation has been to demonstrate once again (Operation Desert Fox over Iraq was another instance) that the United States and its allies can and will act militarily without the approval of the U.N. Security Council—that is, without horse-trading with the veto-wielding Russians and Chinese. Many U.S. analysts and U.N. bureaucrats fret about the lack of a letter-perfect basis for these air strikes in international law. If we'd waited around to get that, of course, massive violations of another body of international law—the Geneva Convention and other strictures against the slaughter and expulsion of civilians—would have gone on unimpeded.

Yet the emergency deepens. The resolve that the United States and NATO have shown thus far must not waver even as it becomes evident that the first air attacks have only accelerated Milosevic's efforts to drive Albanians out of Kosovo and kill their civilian leaders. Rather, together with the NATO allies, the Clinton administration must face up to the probable necessity for ground forces. Such a commitment need not embroil huge numbers of Americans in a quagmire. For one thing, much of the tank-killing that must be done could be accomplished from the air, either by low-flying aircraft or by sophisticated helicopters (which the Netherlands and France, as well as the United States, possess). For another, the bulk of the ground forces would consist of European NATO troops; it's notable that a 52 percent majority of the British public already supports the introduction of ground forces by the United Kingdom.

But we will have to do our part if and when the time comes. Something else that has been clarified by this war is the moral and operational bankruptcy of America's de facto policy of zero casualties. Placing a near-absolute value on avoiding the loss of a single plane or pilot makes it that much harder for air power to achieve this attack's ostensible humanitarian goal—stopping ethnic cleansing. And the ironic result of that is to increase the necessity and likelihood of a ground deployment that will almost certainly result in casualties.

We're past that point now—just as we're long past the point where it makes any sense for the Clinton administration to persist in its original strategy of bombing Milosevic back to the peace table. The Rambouillet accord is dead, and so is the idea of Albanian autonomy within Milosevic's realm. Rather, a new strategy based, initially at least, on securing safe havens for Albanian civilians in Kosovo with the help of NATO troops must be actively contemplated. But time is not on NATO's side. For Milosevic to complete the ethnic cleansing of Kosovo would not only be a victory for him (and for his friends in Russia and China, who share an interest in repressing their own restless ethnic minorities). It would be a humiliating defeat for the United States and NATO, a defeat that could ultimately lead to the end of the alliance. It would be a humanitarian and moral catastrophe and a blow to the democratization and stability of Europe as a whole. In the coming debate over ground troops, no one should pretend that the stakes are anything but very high indeed. •

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NOTEBOOK

WANT FRIES WITH THAT?: Even the sturdiest social science axioms can crumble under the weight of new evidence. But they usually last a little longer than *New York Times* columnist Thomas L. Friedman's "Golden Arches Theory of Conflict Prevention." In a March 28 cover story in *The New York Times Magazine*, Friedman explained that "no two countries that both have a McDonald's have ever fought a war since they each got their McDonald's." Friedman has written this before. But March 28 was an unfortunate publication date for the recycled version, considering that, four days earlier, NATO, virtually all of whose members have at least one McDonald's, attacked Serbia, which has at least two McDonald's in Belgrade alone. Since then, however, Friedman's theory has made something of a comeback. Both Belgrade McDonald's have closed due to attacks by anti-NATO mobs.

NEWS YOU CAN USE:
Investors May Avoid the Balkans If Military Campaign Drags On
—*The Wall Street Journal*, March 29

COLLECTIVE IGNORANCE: During the war in Bosnia, Israel aided victims of the Serb onslaught; then-Prime Minister Yitzhak Rabin opened the doors of the Jewish state to Muslim refugees. With regard to Kosovo, Prime Minister Benjamin Netanyahu and his foreign minister, Ariel Sharon, have behaved less admirably. Netanyahu has avoided strong open support for the air strikes led by Israel's closest ally, the United States, and has issued only a condemnation of "mass murder . . . by the Serbs or by any other element." "The situation there is complex, and we don't want to take sides," a top Sharon aide told *The New York Times*. The Israeli newspaper *Ha'aretz* reports that Sharon's stance is based partly on the notion that Jews owe Belgrade a special debt because of the Partisans' supposed protection of Yugoslavia's Jews during World War II. In fact, the Communist Partisans did incorporate Jewish fighters; many decent Serbs tried to help their Jewish neighbors; and Croatian fascists eagerly killed Serbs and Jews. But plenty of Serbs helped Hitler, too. After Germany occupied Serbia in April 1941, a quisling regime led by General Milan Nedic assisted in rounding up the 23,000 Jews of Serbia, of whom 20,000 were murdered. The Serbian royalist Chetnik fighters of Draza Mihailovic, whose quarrel with Tito's Partisans led him to collaborate with the Nazis, also reviled and killed Jews. Even if it were true that all Serbs behaved as Sharon imagines, what does that have to do with what Milosevic is doing in Kosovo today? Genocide, like all crimes, is ultimately committed (or resisted) by individuals. It is as fallacious to confer total collective innocence on today's Serbs because of their supposed past actions as it would be to blanket all of them in collective guilt because of the current actions of Milosevic and his minions.

DEPARTMENT OF CORRECTIONS: Our April 5 editorial gave the price of raw sugar as "more than $20 per pound." Since then, many readers have pointed out that the price is 20 cents per pound. We regret the error, and we're sending our fact-checkers to the grocery store. •

BELGRADE DISPATCH

SIREN SONG

By Robert Gladreeper

How sweet it is to be a target. Restaurant and shop owners in Belgrade have taken to painting spirals with the word "target" on their windows. The center of town is flooded with people with black-and-white target signs pinned to their jackets, stuck on their bags, and, with extraordinary gallows humor, hung on baby carriages. Starting in the early afternoon, thousands of thusly marked patriots flow into the city's main square for an ongoing concert and rally to celebrate the fact that, for the first time since the Balkan wars broke out, Serbs get to assert their victimhood.

They've always "known" that the West was unfairly painting Serbia as the origin of evil. But, save for the hyperinflation and shortages that resulted from the international sanctions in the mid-'90s, Belgrade residents have led a conspicuously normal life throughout the former Yugoslavia's agony. Now, says Teofil Pancic, an editor at the independent weekly *Vreme*, "We are playing Sarajevo. Of course, it's a parody. But it makes people feel like we are equals. That's one of Bill Clinton's many presents to Slobodan Milosevic." The bombing leaves Serbians with a cleared conscience and a sure knowledge of who's to blame for their troubles. "They think, 'Maybe Milosevic is a monster, but he is not the worst monster,'" says Pancic. In the center of Belgrade, some demonstrators carry banners listing the true "war criminals." Bill Clinton is at the top, sometimes followed by leaders of the NATO countries, Javier Solana, and even Christopher Columbus. For a nation that routinely relies on far more distant historical memories to prop up its claims to territory, that's not much of a stretch.

But the main historical parallel to today's events, the richest and most rewarding memory, is World War II. In the Balkans, references to "the war" are assumed to mean the one that began 60 years ago. Everyone knows what

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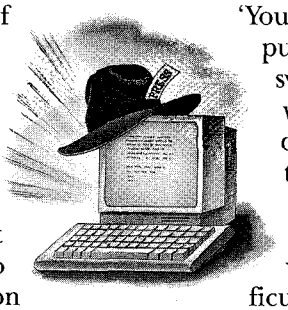
that one must have felt like: the air-raid sirens, blackouts, shortages, and the fear that blanketed the land. The government's policy is clearly geared toward aiding the parallel: every time the siren sounds, the city is expected to shut down. Streetlights switch off, shutters or black curtains are drawn in those private homes that have them, while those that don't switch from electric light to candles.

Since NATO planes are presumably equipped with night-vision devices, this gesture is utterly pointless as a protective measure—but it is brilliant as a propaganda device, dovetailing nicely with the World War II-themed films that Serbian television has been broadcasting around the clock. The resulting unanimity of opinion is impressive, even in a country that cannot boast much political diversity in the best of times. For every person who dares keep the lights on following a siren, there are, it seems, nine neighbors who will swoop in to correct him.

World War II memories bring up other associations as well. Though this is too uncomfortable an issue to have been addressed in any of the films being shown on state television, Serbs know that, during the war, Kosovo, along with the Albanian-dominated part of Macedonia and with Albania itself, became a part of Greater Albania, under Italian protection. To this day, many Kosovo Albanians speak of that era with unself-conscious wistfulness as the only time when all Albanians were joined together in one land.



Combined with the NATO threat, this refreshed historical memory reinforces ties that the outsider may have assumed were long ago severed. Serbian radio has all but given up on music in English, French, or any other NATO member's language (though the occasional instrumental tune does slip through), but popular Croatian bands have claimed space alongside the dominant Serb patriotic motifs. Under the wings of NATO bombers, the bloody rifts between Slavic neighbors have suddenly faded. "We may hate them, and we may have had fights, but they are still family," says Pancic, explaining the apparently prevailing sentimental solidarity. He believes it applies to both sides: "Croat nationalists actually feel solidarity with Serbs now because NATO could threaten Croatia the same way."

Thus has the position of non-nationalist Serbs been relegated from minority political opinion to the status of extreme radical chic. "I fear this darkness is here for the rest of our lives," says a 22-year-old opposition activist, waxing poetic during the now nearly constant blackout. "It is terrible to realize that you have been defeated by men who are in every way—in intelligence, education, and culture—inferior to you." He meant Serbia's government.

"I feel like we are in 1947," agrees Pancic. "Like all culture is dead." All culture may not be dead, but, out of all the cinemas in Belgrade, only five have not been closed. The ones remaining open have been directed to show only Serbian films. "I'm afraid all this means it will be much easier to justify the isolation of Yugoslavia," says Pancic. "To say, 'What, you want to watch movies made by the people who bombed you?' I'm afraid it's going to lead to the rise of xenophobic media."

Certainly the official and other pro-regime media are becoming more xenophobic. Meanwhile, the independent media are under siege. The radio station B92, which has faced closure three times in its ten-year existence, has had its broadcast license revoked on trumped-up charges that it violated transmission rules. Since then it's been transmitting via satellite and the Internet. But, after three police raids in five days, even those broadcasts may soon cease. "This is the worst threat we have faced," says a B92 editor who asked not to be identified because officials have warned station staff against talking to foreign reporters. "There is no more international pressure. First, there are no foreign correspondents, and even Yugoslav journalists who were working for foreign media have stopped. And who can expect the regime to listen to international opinion when we are being bombed?"

Meanwhile, independent print media have been given the option of submitting their content to military censors—or facing closure. The editors of *Vreme* have decided that choosing temporary closure, while it may be an effective gesture, is too risky. "Then they'll tell us, 'You weren't here during the war, so you can't publish,'" says Pancic. So the weekly has switched to a temporary newspaper format, whose banner headlines and photographs of dank bomb shelters and defiant demonstrators place it in line with the general media mood. Of course, its journalists are making an effort to counter this orgy of patriotism with coverage of Kosovo. But that's been difficult since they have been reduced to culling details of the situation from foreign radio reports.

"The position of *Vreme* as well as other independent media is really bizarre," says Pancic. "On the one hand, we just want to do our job. On the other hand, we cannot ignore the fact that our country is under attack. You can argue about why it is under attack—I will always say that ten years of Milosevic's policies have led to this—but that doesn't change the fact that there are NATO bombers over our heads."

Indeed, even the particular way that NATO bombers have behaved seems to have aided the regime in its effort to create the atmosphere of war without some of the concomitant drawbacks. Because NATO at least initially limited its raids to nighttime, the regime has been able to balance the evening air-raid alarms and blackouts with uplifting concerts and rallies during the day. The regime has also taken care to keep the population focused on hating NATO rather than fearing it—making a conspicuous decision *not* to make much mention of Serb civilian casualties.

Operation Allied Force, concludes Pancic, is "the best thing Clinton can do for Milosevic. He has the chance now to destroy [not just] the Albanian movement [but] the independent media and what [internal] opposition there was." Why? Because "Milosevic was not punished when he ventured outside of Serbia in his warring adventures. He was treated like a partner in Bosnia, in

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the Dayton process. And now he is punished for something he has done in his own country. That's very hard logic to understand. People have the feeling that they are trying to take Kosovo from Slobodan Milosevic as punishment for something else." Perhaps more to the point, the Serbian people have the feeling that *they* are being punished—and that they were the true victims all along.

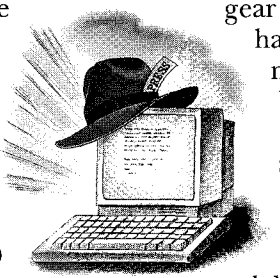
ROBERT GLADREEPER is a pseudonym for a regular contributor to THE NEW REPUBLIC who is currently in Belgrade.

KOSOVO DISPATCH

ESCAPE ROUTE

By Kurt Schork

Few vantage points in Kosovo compare to Berisha Mountain. On a clear evening, you can stand on the peak and see the province's capital, Pristina, about 25 miles to the east, and the cities of Pec and Djakovica to the west. I had intended to be on top of Berisha when the first NATO missiles fell on Yugoslavia last week. But few plans survive the onset of hostilities, and mine certainly did not. By the time the last European war of the twentieth century began, I was eating a slice of pizza in Skopje, the capital of Macedonia, and watching CNN.



Wednesday, March 24, started for me at 3:30 in the morning in Pristina when I woke to the sound of men in the street outside my small hotel. They were speaking Serbian, not Albanian, and there was the unmistakable metallic click of rounds being chambered in automatic weapons. I looked out the window and could see them, assault rifles slung over their shoulders, the tips of their cigarettes glowing in the darkness. I thought they were local thugs hired to guard the hotel and its guests, most of whom were foreign journalists.

By sunrise, the men were gone, and I hardly gave them a second thought. We were anticipating air strikes. Anthony Loyd of *The Times* of London and I were determined to cover the attacks not in Pristina or Belgrade, where our freedom of movement would be severely curtailed, but behind the lines of the Kosovo Liberation Army (KLA), the ethnic Albanian guerrilla force. There was also an element of self-preservation: both Loyd and I had received Serb death threats. We reckoned our chances of working and riding out the storm would be greater on the ethnic Albanian side.

We took a quick drive out of Pristina to the west, in the direction of Berisha, to make certain that the road hadn't already been closed. The way was clear, so we headed back into town to load our vehicle with the food, fuel, and other supplies we would need for what might be weeks in the hills. We stopped at an Albanian bakery along the way to buy bread. The owner would take no money. "We have been waiting for this day all our lives," his son explained, smiling. Like all ethnic Albanians, they faced the possibility of Serb reprisals once the bombing started. And yet, standing there, covered in a ghostly patina of flour, bathed in the morning's light streaming through the shop window, they seemed serene.

Land Rover packed, we headed west to the mountains. The road was heavily scarred by the treads of tanks and armored personnel carriers thrown into Serbian offensive operations against ethnic Albanian villages, but there were no checkpoints. We drove out onto the rolling plains of Kosovo Polje, the mythic spot where Ottoman forces defeated the Serbs in 1389, a loss that defines Serbia's national psychology even today. We passed the military airport at Slatina, where the road suddenly begins to climb. Golash Mountain stood on the left, hollowed out to accommodate a massive military base and topped by radar and radio masts. The airport and Golash were certain NATO targets. Both would be visible from Berisha.

Then our driveshaft shattered, forcing us to limp back toward the city for another vehicle. But colleagues who happened by loaned us their Land Rover to ferry our gear up the mountain—so long as we agreed to have the vehicle back in Pristina by mid-afternoon, when everyone expected authorities to begin locking down the city.

Loyd and I were on the road to Malisevo, approaching the Berisha turnoff, when we screeched to a halt before a barricade thrown across the road. A KLA soldier came down from the forest and pulled some of the debris aside. But, when we got to the KLA area headquarters, we were received without enthusiasm. We were told that Berisha Mountain, where we had been many times before, was strictly off-limits. Bitterly disappointed, we turned back toward Pristina. It was early afternoon. We still had to return the Land Rover, find another car, and make a new plan.

But, as we approached the Malisevo road, the KLA blocked our way. Judging by the number of heavily armed men passing through, and the barricade we had encountered on the way in, it seemed clear they were laying an ambush for a Serb military convoy. If we weren't down the road before the shooting started, we would never get out. We'd be trapped on the wrong side of Berisha, unable to see the air strikes. And we'd have our colleagues' vehicle.

An hour's arguing finally wore down the local KLA commander, who sent us on our way. When Loyd got out of the car to move the barricade, we could see scores of KLA guerrillas crouching along the roadside, waiting for the Serbian convoy. I still wonder if it came

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along and, if it did, what happened.

We had reached Kosovo Polje again when my mobile phone rang and a colleague warned: "Whatever you do, don't come back into the city. The police are looking for you, by name. The men outside the hotel last night were not guards. They were Serb gunmen waiting for you or Anthony to come out of the hotel. Keep the car. Head for the mountains. Good luck."

We reversed course again. But, in the few minutes since we had passed Slatina, special combat-ready Interior Ministry troops had deployed along the road with flak jackets and AK-47s, black ski masks pulled down over their faces. Brandishing their weapons, they screamed at us to get back to the city. We turned around. There was another difficult checkpoint in Kosovo Polje. Then a third. We knew one of the policemen, but he was in a rage and refused to acknowledge us, perhaps to protect himself in the eyes of his comrades.

We discussed abandoning the car and our gear and trying to hide in the city but decided against it. The faces on our fellow reporters when we pulled up at the hotel said it all. They were afraid—for themselves and for us—as long as we were around. We said our goodbyes, changed cars, and left.

As we drove out of Pristina for the third time on Wednesday, this time by a different route, the streets were emptying and government troops were deploying in force. Yugoslav Army soldiers were taking up positions around apartment complexes. Special police were blocking key intersections. We considered heading north to Belgrade—at least we would still be in Yugoslavia. But it seemed unlikely we would be able to do any reporting, and hiding out with friends there would simply put them at risk. Reluctantly, we headed southwest toward a Serbian border crossing with Macedonia.

Between Gnjilane and Bujanovac, where the road winds through a narrow river valley, we saw preparations for a NATO ground invasion. Civilian crews, possibly ethnic Albanian forced laborers, under army guard were feverishly digging trenches and planting explosives. A MiG fighter thundered low over the road; anti-aircraft guns dotted the high ground near the border. We finally crossed into Macedonia at six o'clock at night, about two hours before the bombing began, and with surprisingly little difficulty. Hundreds of ethnic Albanians trying to do the same were being turned back by the Macedonians. My last view of Kosovo was a column of weeping mothers, screaming children, and anxious men shuffling along in the fading light.

There was no dishonor in fleeing Kosovo, but neither was there much dignity. War reporting is a job, a craft—not a holy crusade. The thing is to work and not get hurt. When that's no longer possible, it's time to get out. You know that time has come when your passport—mine's American—and your press credentials are no longer guarantors of special treatment from local authorities but your tickets to a beating, jail, or worse. And there is that moment when your country goes to war against the country you're in and you lose your immunity, when roads begin to close, plans collapse, relationships turn sour, and the story becomes secondary to survival. It has nothing to do with the random chances of the battlefield, which most war reporters take for granted.

By the end of the day I suppose I knew what it felt like, for a few hours, to be one of the 1.8 million ethnic Albanians in Serb-ruled Kosovo, within the reach of a vengeful state. With one big difference: I was able to escape.

KURT SCHORK has reported from the Balkans since 1992.

The GOP rediscovers isolationism.

FULL RETREAT

By Jacob Heilbrunn

Serb forces are running amok. The danger of the war spreading beyond Kosovo looms large. The American president warns Slobodan Milosevic that "in the event of conflict in Kosovo caused by Serbian action, the United States will be prepared to employ military force against the Serbs in Kosovo and in Serbia proper."

Was this President Clinton just before Operation Allied Force? No, it was Republican President George Bush in December 1992. If even Bush, notoriously chary of getting entangled in the Balkans—to the point where his administration did nothing during the early days of ethnic cleansing in Bosnia—would pledge unilateral U.S. action to protect Kosovo, surely all Republicans could stand by NATO today.

Well, no. A few days ago, the GOP was gearing up to turn foreign policy into a campaign issue, savaging the Clinton administration's appeasement of dictators. The revelation that an alleged spy for China was handing over advanced nuclear warhead technology to Beijing, while the Clinton administration did little to investigate, seemed to provide a promising avenue of attack. But, suddenly, leading Republican politicians and foreign policy thinkers are attacking Clinton for bombing a dictator. Senate Majority Leader Trent Lott declared in June that "we cannot allow this slaughter to occur. Once again the Serbians are out of control. Something should be done." Now that Clinton is doing something, Lott voted against the NATO action, as did most of his Republican Senate colleagues.

"I believe we are coming close to starting World War Three," said Senator Ted Stevens. Senator James Inhofe, shedding crocodile tears about the American failure to intervene in Africa's ethnic wars, complained about a "European-American sensibility" in American

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foreign policy. "We don't have an obligation to send our men and women of the military in every time there's a humanitarian problem in this world," said Senator Pete Domenici. Conservative intellectuals chimed in. "Cruise missiles," sneered Charles Krauthammer in the March 26 *Washington Post*, "are an odd instrument of social work."

Some of this is just a partisan attempt to damage Clinton and Al Gore in the run-up to 2000. And some of this is legitimate concern over what a NATO incursion into Serbia might spawn. As with any military operation, this one could go awry—especially given the amateurism Clinton's foreign policy team has, indeed, exhibited in places like China. Post-Monica, the president's own credibility is not exactly at an all-time high.

But there is also something deeper at work among the Republicans—the reemergence of isolationism. Few of Clinton's GOP critics have pointed out that the real flaw in his Balkans policy is that it is not nearly aggressive enough. Already the Serbs have created upward of 500,000 refugees in Kosovo. If the newly enlarged NATO alliance is not concerned with stopping a dictator from destabilizing the southern half of modern Europe, then it has no purpose. If the century-old U.S. interest in stability in Europe is not still a defining tenet of American foreign policy, what is?

Though Republican isolationists sound more like Pat Buchanan than Ronald Reagan, they couch their anti-interventionism in the ostensibly more sophisticated language of foreign policy realism. The central claim is that Clinton's interventions abroad are somehow exhausting the resources—military, economic, and moral—of the most powerful nation the world has ever known.

On the other and embattled side are mavericks like Senator John McCain, and William Kristol's neoconservative *Weekly Standard*, whose latest editorial states, "Instead of opposing the bombing campaign, as about 70 percent of Senate Republicans did last week, the GOP should be the party of American leadership and American victory."

This new debate in the GOP is a mutation of an old one between paleoconservatives and neoconservatives. The neoconservatives drove out the Nixon-Kissinger realist foreign policy and, under Ronald Reagan, replaced it with a global democratic crusade. But the paleoconservatives never went away. The late Russell Kirk reignited the fight in an October 1988 speech at the Heritage Foundation in which he denounced neoconservative "cultural and economical imperialists" for "pursuing a fanciful democratic globalism rather than the national interest of the United States." Buchanan agreed: "[W]hen this cold war is over, America should come home."

Buchanan was attacked in the Winter 1989/90 *National Interest* by . . . Charles Krauthammer. Krauthammer called for the United States to "integrate" with Japan and Europe inside a "super-sovereign" body that is "economically, culturally, and politically hegemonic in the world." This "new universalism," Krauthammer said, "would require the conscious depreciation not only of American sovereignty but of the notion of sovereignty in general. This is not as outrageous as it sounds." Buchanan responded: "While Krauthammer's superstate may set off onanistic rejoicing inside the Trilateral Commission, it should set off alarm bells in more precincts than Belmont, Massachusetts."

Today, Buchanan appears to have won the war without firing a shot. Krauthammer and others have defected to high-flown realism. This hypocritical shift can largely be explained in two words: Democratic president. Basically, Republicans were eager to blame Clinton's administration for soft, woolly-headed thinking when it first broached the idea of "assertive multilateralism"—that is, using the United Nations to carry out American foreign policy. The administration quickly dropped the idea as the weakness of the United Nations became apparent in Bosnia and Mogadishu. And, to be sure, the Somalia operation failed when the United States attempted to pacify the country by force.

Yet Republican critics have never let up in their attacks on the administration's supposed obsession with squishy humanitarian concerns. Instead of vigilantly guarding the national interest, Krauthammer and company bluster, the administration has squandered precious resources and assets in peripheral places such as Somalia, Haiti, Bosnia, and, now, Kosovo. Internationalism and humanitarianism, the argument goes, have led the country hopelessly astray. Our commitments exceed our resources.

Obviously, the United States shouldn't intervene in every conflict around the globe. But is the richest nation in history really bankrupting itself by shouldering greater international burdens? The Dow closed above 10,000 about a week into the Kosovo mission. In the Balkans, we're fighting in concert with 18 other nations, thus prudently spreading the costs among a wide range of allies who are closer to the scene. And since when has it really been true that Clinton intervenes indiscriminately around the globe? If anything, his approach to foreign affairs has been characterized by passivity toward genocidal forces and tyrannies such as North Korea. Clinton has even admitted as much about Rwanda. And the Balkan region is one that the Clinton administration has been reluctant to enter. Remember how the president used to raise the specter of centuries of ethnic hatred as an excuse for inaction in Bosnia?

Kosovo represents, at most, a tentative indication that this inconsistency may be giving way to a tougher line. So does the fact that, in essence, we have been conducting a low-intensity war with Iraq ever since Operation Desert Fox. This is something to celebrate, not to condemn for partisan purposes. If the risky Kosovo venture works out, then, just as Clinton and Gore have usurped Republican domestic themes, they may also steal foreign policy in 2000. As William Kristol puts it: "Anti-Clintonism has damaged Republican thinking on foreign policy." •

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What else did we share with the Chinese?

WELCOME MAT

By Jason Zengerle

Last year, a group of officers from the Chinese People's Liberation Army (PLA) dropped in on an American naval base. The visit was part of the United States and China's military-to-military exchange program, which is intended to help foster good relations between the two countries. After touring a U.S. ship, the Chinese officers and their American counterparts retired to the base's officers' club for a celebratory dinner.

While the American admiral and the Chinese general led toasts to "Sino-American friendship" and "strategic partnership," junior officers soaked in the good vibes at another table. Over steaks, beer, two kinds of wine, and apple pie, the Chinese peppered their American counterparts with questions about the American aircraft carrier—and its vulnerabilities. Wanting to be a gracious host like the admiral, an American lieutenant commander proceeded to tell the Chinese about the carrier's Achilles' heel. Its hull is thin on the bottom, the commander explained, so a torpedo that exploded underneath the carrier could easily penetrate the ship's skin. Moreover, he pointed out, munitions are stored on the bottom of the ship, so a torpedo explosion underneath the carrier would set off a secondary explosion. If this secondary explosion occurred in the middle of the ship, the commander concluded, it could split the carrier in two. The dinner ended, and the Chinese delegation left the base the next day to continue its weeklong tour of other U.S. military installations.

Now, technically speaking, nothing this American officer told the Chinese was classified. But the information wasn't readily available, either; it could be gleaned only from a few articles scattered among about 20 years' worth of American military journals. It also wasn't the kind of information you'd necessarily volunteer to a potential enemy. "You can be sure we'd never just give this information to the North Koreans or the Iranians or the Iraqis," says a defense official who was at the dinner.

Which points to just one of several problems with the current U.S. program of military-to-military exchanges with China. The program started under the Reagan administration as a way to foster relations with China as a hedge against the Soviet Union. It was abandoned by President Bush in 1989 after the Tiananmen Square massacre but then restarted in 1993 under President Clinton. It was stopped again in 1996 after the United States sent carriers to the Taiwan Straits to counter China's war games aimed at Taiwan. But, once that crisis blew over, the program resumed. This year, with as many as 80 exchanges under consideration, the program is in its most ambitious phase ever.

Clinton administration officials insist that every precaution is taken to protect American secrets and that nothing the Chinese see and learn could allow them to make a "quantum jump" in further developing their own military capabilities—as the leaks from the nuclear lab at Los Alamos apparently did. Says one official: "You can pick up more from watching the Discovery Channel than you can from most of the events we put on."

Moreover, Clinton administration officials insist the exchanges are vital to U.S. security interests. "It's not this flowery 'constructive strategic partnership,'" says one senior official. "That's all crap. There are hard-nosed reasons for us to have this relationship with China."

One is to dispel the dangerous misperceptions the Chinese military holds about the United States. "China thinks we're weak and declining," explains Mike Pillsbury, the editor of the book *Chinese Views of Future Warfare*. "The worst left-wing, Paul Kennedy, decline-of-the-West kind of person is nowhere near as bad as some of these Chinese generals when it comes to what their view of our future is." So, when PLA officers visit, the Pentagon makes sure they see what one administration official calls "the full range of American power."

To that end, PLA officers get escorted around some of America's most modern military facilities. They've toured the U.S.'s most advanced guided missile cruiser and a nuclear attack submarine. They've also watched a Marine amphibious landing and observed Cope Thunder, the U.S. Air Force's sophisticated air combat exercises in Alaska. When PLA officers fly into Fort Hood in Texas, the Pentagon makes sure that they pass over an impressive two-and-a-half-mile stretch of M-1A1 tanks. "That sends a very impressive signal," boasts an administration official. And PLA officers apparently get that signal: Pillsbury notes a more respectful tone in the writings of PLA officers who have visited the United States.

But, at the same time that the United States is showing off its massive strength, it's also giving the Chinese a peek at vulnerabilities. For instance, at the Cope Thunder exercises—designed to highlight America's air superiority—the Chinese saw the American dependence on satellites, digital systems, and AWACS aircraft. Accordingly, China is now seeking means to attack American satellites and otherwise disrupt communications. Similarly, it has recently been learned that China is seeking to purchase Russian-made torpedoes that are specifically designed—you guessed it—to explode underneath ships.

A second reason offered for the exchanges is to give the United States a peek at the PLA. The exchange program is based on the principle of reciprocity, so, for each PLA visit to the United States, the U.S. sends a delegation to China. "We have seen military facilities

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and have had more contacts with [the PLA] than at any other time," boasts a senior administration official.

Unfortunately, though, these contacts and visits are usually not nearly as extensive as the ones the Chinese get in America: there is no real reciprocity. While the Americans are anxious to show the Chinese the crown jewels of our military to demonstrate American superiority, the Chinese, operating from a position of military weakness, are reluctant to show the Americans much of anything. Moreover, the Communist-run PLA is inherently secretive and insular—even when it comes to dealing with Chinese civilian leaders. Transparency runs counter to the ancient teachings of Sun Tzu, who famously advised in *The Art of War*, "The formation and procedure [of] the military should not be divulged."

Not surprisingly, then, when then-Chairman of the Joint Chiefs of Staff General John Shalikashvili visited a Chinese military installation in 1997, he was shown a routine marksmanship demonstration—at a distance, through binoculars—and given a tour of empty barracks and mess halls. Similar things have happened to other visiting American officers. "We see the same tired old factories, the same 196th Division we've seen before," gripes a former Pentagon official. "We don't get into their crack divisions, their 'fist' troops, their rapid reaction forces, their power projection. The question has to be, 'What's the quid pro quo?' "

Another question has to be whether the United States should be playing host to some of the PLA's more odious officers—particularly those who had a direct role in the 1989 Tiananmen Square massacre. Clearly a key benefit of the exchanges for the PLA is the credibility and legitimacy its officers gain when they are treated as equals by the American military establishment. Administration officials concede that the Chinese push for such recognition when they visit, and PLA General Zhang Wannian admitted as much when he recently wrote that military exchanges abroad have "established and preserved our army's excellent image in the world." That the United States is helping the PLA enhance its image is perhaps the biggest problem with the exchanges.

Consider Chinese Defense Minister General Chi Haotian's December 1996 visit. Chi was chief of staff of the PLA during the Tiananmen crackdown. But this didn't prevent him from receiving a 19-gun salute when he visited the Pentagon. It also didn't get in the way of Chi's photo-op with President Clinton. Chi's visit went off without a hitch. He toured West Point, Gettysburg, four military bases, and the Sandia National Laboratory.

The only discordant moment came during a lecture Chi gave at the National Defense University, when a Navy captain asked him if the PLA regretted the loss of life during the Tiananmen uprising. No, Chi explained, because there was no loss of life, only "some pushing." "At that time, I was the chief of the general staff," he said. "Here I can tell you in a responsible and serious manner that at that time not a single person lost his life in Tiananmen Square." And what was the American reaction to this barefaced lie? A few days later, the U.S. military took Chi to Disneyland. •

Giuliani fights his enemies—and himself.

RUDY AWAKENING

By Fred Siegel

It's 11:30 in the morning in New York—time for the daily demo at One Police Plaza. It goes off like clockwork. Michael Hardy, the lawyer who defended the Reverend Al Sharpton when he was sued along with Alton Maddox and C. Vernon Mason in the recent Tawana Brawley defamation case, hands the police the list of those asking to be arrested. The demonstrators, there to protest the killing of Amadou Diallo, an unarmed African immigrant, by four policemen, chant Sharpton's trademark slogan "no justice, no peace" or sing "We Shall Overcome." The initial arrestees were an honor roll of failed urban politicians. They include former Mayor David Dinkins, Harlem Congressman Charles Rangel, and Kweisi Mfume, who, as a congressman, once agreed to a "sacred covenant" with Louis Farrakhan.

The leader of the protests, Sharpton, looks on, joking that it "looks like my shadow Cabinet just got bigger." Sharpton has reason to smile. For him and the rest of New York's Rudolph Giuliani-haters, the Diallo tragedy is a political godsend—the first big break since Giuliani was elected mayor more than six years ago. Even former

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Mayor Ed Koch and Giuliani's Republican rival Governor George Pataki—hardly Sharpton acolytes—have been piling on the mayor. The New York police are now the subject of three major investigations, one state and two federal. The Sharpton-Dinkins crowd has never forgiven Giuliani for ousting Dinkins, who was not just a black mayor but the city's first black mayor. Yet, until now, Giuliani has been invincible, thanks to the simple fact that New York has thrived during his mayoralty.

Consider: Last year, for the first time in a decade, the city's economy grew faster than the national economy. Giuliani has lowered the city's welfare rolls by more than the population of Buffalo, which, in the mayor's words, means "this city has really caught up with the rest of America." It's helped that private sector jobs have been growing at a record pace. And, now that the city has finally recovered all the jobs it lost under Dinkins, lower-skilled workers are being drawn back into the economy so that 54 percent of adults are employed—a new city record.

Harlem, undergoing a "second renaissance," is bustling with new developments, including "HarlemUSA"—a $65 million, 275,000-square-foot retail and entertainment complex on 125th Street. The South Bronx is enjoying a similar revival. A major reason for all the good news is that the crime rate has hit a 30-year low. Last year, New York actually had fewer murders than Chicago, a city that is three times smaller in population. The sharpest drops have come in minority areas like central Harlem, where overall crime has dropped 61 percent since 1994, and East New York, which went from 110 murders in 1993 (Dinkins's last year as mayor) to 37 in 1998 and had none through the first three months of this year.

Now, the shooting of Diallo and Giuliani's politically tone-deaf response to it have pierced the mayor's political invincibility. At a time when mayors like Chicago's Richard Daley Jr. and Philadelphia's Ed Rendell are basking in unprecedented African American support and overall popularity, Giuliani, who has done much more than either of those two mayors to tackle crime, finds himself under siege. Clearly, a lot of this has to do with the willingness of Giuliani's political enemies to exploit the Diallo killing, and the timely availability of Hillary Clinton as a possible Senate candidate, for their own ends. But much of Giuliani's problem is of his own making—a result both of his personality and of his misreading of the past few years as a vindication of the way he leads rather than the policies he's championed.

Flash back to the 1993 election contest between Dinkins and Giuliani. It would be difficult to exaggerate what was at stake. Although the Dow was at a then-record high, the city was losing 7,000 jobs per month—all told, 330,000 during the Dinkins years. The country was just coming out of a recession at the time. But Dinkins had made matters worse with billion-dollar tax increases. These kept his core constituencies in the social services industries funded but also sent business—already reeling from crime—fleeing.

The murder rate was at a record high, and there was a widespread sense that the rule of law was collapsing. "Homeless activists," explained Democratic Councilman John Sabini, "treated the city like it was an urban theme park—experience a man pissing near you." When city council candidate Andrew Eristoff asked a man not to ride his bicycle on a crowded sidewalk, the cyclist shouted, "I could hit you, and that would be illegal, too, and nobody would do anything about that, either." He then punched the candidate, which produced a pool of blood and resulted in 22 stitches.

When convicted kidnapper and self-confessed "anti-white" activist Sonny Carson led a group of thugs to protest alleged racism at a Flatbush grocery, shouting "slant eyes" at the Korean owner and threatening would-be customers, the Dinkins administration stood by and did nothing for six months. When a wrestling match between a cop and a drug dealer named Kiko Garcia, who had proclaimed Washington Heights "a liberated zone," led to the latter's death, Dinkins sided with Garcia. Then there were the three days of anti-Jewish rioting in Crown Heights, where a young scholar was killed. The Dinkins administration lay back and let things vent.

Not surprisingly, the Dinkins-Giuliani race was particularly nasty. Giuliani's worst moment came at an over-the-top, obscenity-laced speech before a rally of out-of-control cops. The Dinkins campaign enlisted black nationalists and celebrities alike to warn of Giuliani's alleged "racism" and "fascism." President Clinton lent a hand, saying that only racial prejudice could explain a vote against Dinkins. All along, the Dinkins camp warned that a Giuliani election would set off riots. It didn't.

The success story that followed is well known. Giuliani and then-Police Chief Bill Bratton applied George Kelling's "broken windows" theory of policing, which had already succeed in the subways, to the city as a whole. The distinction between broken-windows policing and community policing is often blurred, but the former was one of the keys to both Giuliani's early successes and later difficulties. Community policing takes cops out of patrol cars and places them on foot patrol in neighborhoods. It reduces public hostility to the police, but not crime. Broken-windows policing—the name refers to the idea that permitting one broken window to remain unmended invites vandals to break more—concentrates on preventing small problems from turning into big ones by, for example, quickly targeting open-air drug markets before they invite even more criminal activity. Broken-windows policing is the single most important urban public policy success of the past 30 years, but its forcefulness carries the danger of increasing police-community tensions.

The success of Giuliani's first term did not satisfy everyone, of course. When Giuliani reduced the increases in the school budget and drove the popular and personable but ineffective schools chancellor, Raymond Cortines, out of town, his support plunged. But even then Giuliani's adversaries were unable to take advantage. Smarting from Giuliani's refusal to deal with them, Reverends Sharpton and Jesse

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Jackson marched on Albany in 1995 to protest newly elected Republican Governor Pataki's budget cuts. But the episode produced only yawns. Sharpton's organization, the National Action Network, was treading water, despite some successful shakedowns of "bloodsucking" Korean businessmen.

But, eight months later, Sharpton, one of whose businesses is to keep business or, as he put it, "white interloper[s]," out of Harlem, showed he was still a force. Picketers from the National Action Network, led by an escaped mental patient and part-time street vendor, Morris Powell, turned a landlord-tenant dispute into a deadly incident. Egged on by the daily racial rantings about "Jew bastards," one of Powell's picketers, Abugunde Mulocko, né Roland Smith, walked into Freddy's Fashion Mart, having previously promised to "burn down the Jew store." Armed with a .38, he shot three whites and a Pakistani in cold blood. Then he set the fire that killed five Hispanics, one Guyanese, and one black—the security guard whom the protesters had taunted as a "cracker lover."

Remarkably, the 125th Street massacre only strengthened Sharpton, who by then had much of the black political class thoroughly intimidated. When the 1997 mayoral campaign began, Sharpton, a perennial candidate, taunted the press, daring them to bring up the Freddy's fire murders. When they declined, he blamed the incident on Giuliani, to the silence of his fellow candidates in the Democratic primary. His immunity from accountability intact, Sharpton went on to very nearly force Ruth Messinger, Dinkins's designated heir at the time, into a runoff.

By the time of the general election, Giuliani was so strong that not even the notorious police torture of Haitian immigrant Abner Louima could derail the outcome. Giuliani handled the incident so deftly in expressing his clear and immediate outrage that the ACLU's Norman Siegel, usually a full-time Giuliani critic, declared that "he's had his best forty-eight hours as mayor of this city." African American Congressman Floyd Flake summed up the situation: "I would say that the level of racial tension is the lowest now that it's been in the twenty-one years that I've lived in the city."

In January 1998, Giuliani, who could increasingly see a national role for himself in the Republican Party, exuded both confidence and conservatism in a colloquially delivered "state of the city" speech. Not only did he describe fathers who don't support their kids as "bums"; he called for an end to open admissions at the City University of New York and an experiment in vouchers for the public schools. He called, in effect, for a repeal of much of the 1960s.

Giuliani's speech was a full-scale assault on the city's sclerotic bureaucracy—the vast public sector workforce in the schools and welfare organizations that lived off their own failures. (The remedial programs at CUNY, for instance, designed to make up for the city's failing high schools, are a profit center for the community colleges that hire inexpensive adjuncts to teach courses.) Yet, if the speech quite literally left many of his critics speechless, it also betrayed an overconfidence that led Giuliani to push his agenda beyond what the public consensus would bear.

Institutional change in the mayor's office was partly responsible for this. Giuliani was the first mayor to take full advantage of a new city charter foisted on the city by civil rights advocates in 1989. The old city government included a Board of Estimate, in which the borough presidents had a voice along with the mayor and other citywide officials in approving major capital projects. With the board eliminated on the grounds that it violated the Voting Rights Act because the smallest and whitest borough, Staten Island, had equal representation with the others, the only thing left to check the mayor's power was a fractious city council.

Giuliani, in other words, had a rather free hand. And he used it, first, to push for an ill-considered plan by Yankees owner George Steinbrenner to build a new stadium in midtown Manhattan. The very idea of moving what amounts to a city shrine and economic anchor for the Bronx dismayed even Giuliani's strongest supporters.

On crime, the mayor's second-term agenda angered New Yorkers who have a strong sense of their God-given right not to obey the laws too thoroughly. His cops moved from drug dealers to jaywalkers and other assorted "miscreants," including street vendors, zigzagging cab drivers, and unleashed dogs. All the initiatives had some merit (pedestrian deaths, for instance, have gone down sharply). But each one peeled off some of his political support.

At the same time, the mayor raised eyebrows by further expanding the role of the 40,000-member NYPD. It was given responsibility for school safety, traffic enforcement, and the Taxi and Limousine Commission. Again, some of these ideas made sense. But, by turning the cops into his primary instrument of public policy, Giuliani increasingly inserted the cops into minor, but unpleasant, encounters with ordinary citizens. This, in turn, eroded goodwill toward the mayor—particularly across racial lines.

Increasingly, the mayor's outsized political personality seemed to dwarf the issues on his second-term agenda. The mayor's relentless energy was out of sync with the new mood he had helped create. New Yorkers wanted to relax a bit and enjoy the good times. The mayor, like a good prosecutor, wanted to press ahead, with or without allies.

Even before the Diallo tragedy, Giuliani's Margaret Thatcher-like political personality separated him from the others. The same convictions that allowed both politicians to take on entrenched social democratic hacks also insured that they'd largely fight alone. Giuliani even has a tough time recognizing that other officials, such as city council Speaker Peter Vallone, who agrees with him on most issues, can represent legitimate interests when they differ. When the mayor and the city council were locked in a fight over Yankee Stadium, Deputy Mayor Randy Mastro told Bruce Bender, a cen-

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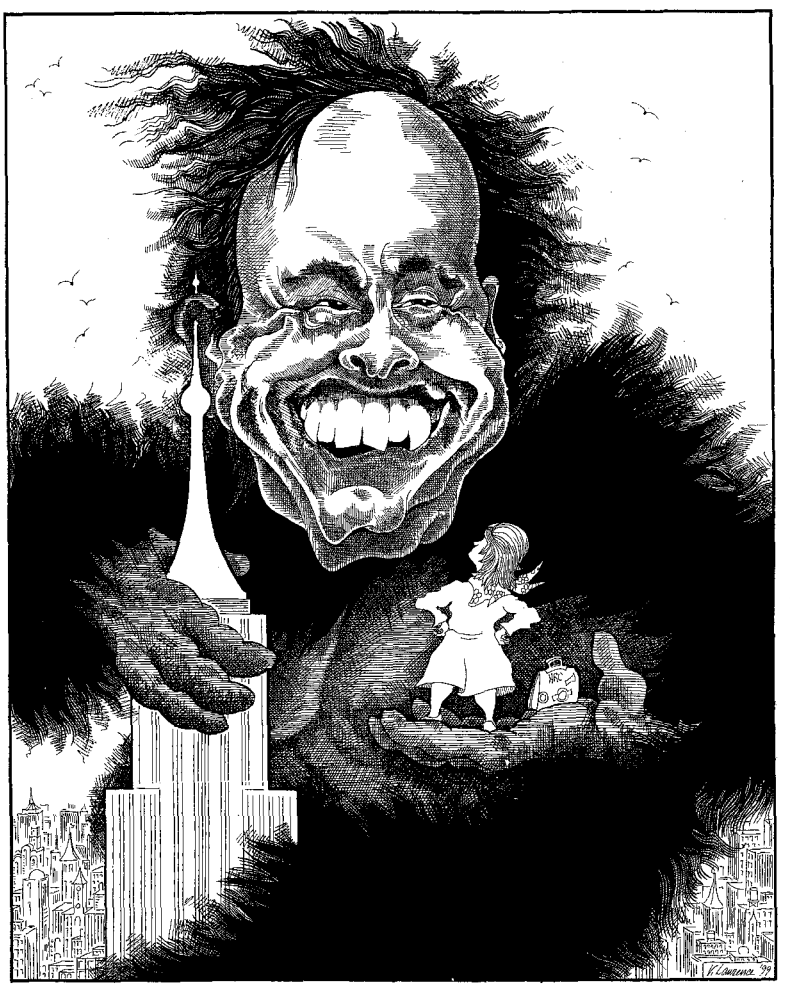
trist representing Vallone, "We will bring you to your knees." One moderate Democrat on the council who's sympathetic to Giuliani's policies complains that "the mayor won't let me be his ally." In part, that's because Giuliani really doesn't like other politicians. Daley and Rendell were prosecutors on their way up the career ladder, but Giuliani is a prosecutor to the bone, a guy who often sees his rivals as little better than the corrupt Bronx boss Stanley Friedman, whom he sent to jail.

Black Democrats complain that he treats them badly. That's true, but he treats all pols badly. Probably his nastiest feud has come with councilman and fellow Italian-American Stephen DiBrienza. Rather than govern through alliances with other politicians, Giuliani, a Republican in an overwhelmingly Democratic New York, runs the entire city out of the mayor's office.



RUDOLPH GIULIANI BY VINT LAWRENCE FOR THE NEW REPUBLIC

For all this, the mayor might have cruised along on his way to the U.S. Senate in 2000—if not for Hillary Clinton's incipient campaign for the Senate and the police killing of Diallo. Together, these have exposed the Achilles' heel of the Giuliani mayoralty, the hyper-centralization of power in city hall. The sure touch the mayor had exhibited in the Louima affair has deserted him in the Diallo case. Rather than expressing horror at how the police could have pumped 41 bullets into an innocent man, Giuliani, perhaps looking beyond city hall to a statewide run, responded with inappropriate equanimity, saying that he wouldn't prejudge the case. Two of the four cops involved from the special Street Crime Unit, however, had already made it clear by crying after Diallo's death that they had made a hideous mistake. No matter; the damage was done, and it was payback time.

When the Louima affair broke, there were claims that the cops involved shouted out, "It's Giuliani time." That proved a hoax, and the brutality could be written off to rogue cops in a bad precinct. But the Diallo case seemed to implicate the broken-windows policing Giuliani has used to build his reputation. This was the opportunity Giuliani's enemies, deserved and undeserved, had been waiting for. And none exploited the situation more effectively than the city's leading racial demagogue, Al Sharpton. Sharpton emerged from a guilty verdict in the defamation case stemming from the Tawana Brawley hoax stronger than ever and became the primary spokesman for the Diallo family. Walking hand in hand with a city press that saw the enemy of its enemy as its friend, Sharpton announced, "Amadou Diallo will be the end of Giuliani's burgeoning political career."

In the month that followed the killing, Giuliani's approval rating in the city dropped by 20 points as the local papers ran more than 600 stories on the shooting, all based on the same paltry set of facts. The cops thought they were pursuing a serial-rape suspect who resembled Diallo; they fired all 41 bullets in just seven seconds. It seems likely that after the first shots were fired the cops kept firing at flashes reflected on a glass pane and their own ricochets, but it's hard to know, since the four cops, who have reportedly been indicted for second-degree murder, refused to testify before the grand jury. Nonetheless, a contest quickly emerged to express the greatest outrage with the fewest facts.

Time and again, accusations of racism have been hurled at Giuliani on the grounds that racist intent could be inferred from the outcome of the incident. The left-wing civil libertarians who had been terribly unhappy about the simultaneous decline in crime and social spending, since it undermined their argument that social conditions such as poverty are the "root causes" of crime, are glowing with vindication. Sharpton's flacks in the press, like Jim Dwyer of the *Daily News*, insisted that the cops had set out to "prey" on black people—no evidence required—while Art Spiegelman did a *New Yorker* cover in which a smiling cop takes target practice at cutouts of civilians.

Giuliani responded with evidence showing that, while the Street Crime Unit of 400 men makes up one percent of the police force, it was responsible for seizing 40 percent of the guns pulled off the streets and saving

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countless lives, and that the unit had a slightly lower level of civilian complaints than the NYPD as a whole to boot. He further noted that New York's crime reduction has been accompanied by a nearly 50 percent reduction in police use of deadly force since the Dinkins years.

The numbers were all but ignored as the Dinkins Democrats looked to define the New York party's post-Giuliani future. More recently, their allies from out of state have gotten into the game. John Conyers, the Democratic congressman from Detroit, has been bashing Giuliani for some time. Last year, for example, Conyers convened an informal anti-Giuliani hearing, in which one "witness" was a man who went on an anti-Semitic rant; Conyers claimed he didn't hear it. Another witness was none other than Sonny Carson, of Korean-grocery-boycott fame. Conyers said he was "privileged" to call Carson to testify. Carson, for his part, went on to explain of the police, "Once a pig, always a pig."

After the Diallo killing, Conyers implied to a New York cable news station that Giuliani is a racist—and called New York cops the most brutal in the country. This from a man who represents a city with much higher rates of both crime and police brutality and who serves in Washington, D.C., a city where the largely resident black police department is four times more likely to use deadly force than in New York.

But the protests, particularly from individuals, go far beyond the politicians. For many they are a genuine expression of outrage on the part of innocent African Americans humiliated by the expansion of police stop-and-frisk efforts. Filmmaker Majora Carter, a resident of the South Bronx, explained that, while she liked "the message the cops were sending to criminals," she "disliked some of the messengers," particularly the special unit cops unfamiliar with her neighborhood, who had hassled her.

There is a problem with New York policing—a reason for concern—but it's a matter of policy, not racism. "There is no racism or tolerance of brutality in the NYPD," argues former Police Chief Bratton. "The racism comes from Sharpton." Bratton, author of the administration's early anti-crimes successes, was forced out of the Giuliani administration in 1996 not only because there was a clash of egos but also because the mayor's desire to run the entire show from city hall was incompatible with Bratton's plans for the police department. Bratton argued that, after street crime had been reduced through broken-windows policing, community policing should be given a bigger role.

The problem, Bratton realized, is that you can't drive crime below the level a community has set for itself without incurring considerable resentment. The only way to keep pushing it down is to establish a better rapport between police and the citizens in order to minimize understandable black ambivalence about anti-crime efforts. Most African Americans are conservative on crime until their 15-year-old nephew gets unfairly arrested. The dilemma is that, while 15- to 25-year-old minority toughs live in fear of the police, much of the rest of the city lives in fear of those same toughs.

The key to black middle-class anger about New York policing is found in what sociologist Jan Rosenberg describes as "the failure of success model." The more the objective conditions for African Americans improve as they move up the social ladder into integrated situations, she notes, the more opportunities there are for slights, real and perceived. A similar situation is set in motion when broken-windows policing radically cuts crime. The more Giuliani's police department tried to reduce crime, the more cops came into contact with innocent people. So, as crime goes down, fruitless frisks go up and resentments multiply. Or, as Bill Stephney, a hip-hop record producer put it, "As fear from knuckleheads declines, fear from police pursuing knuckleheads has been rising."

A less isolated administration, one with a wider range of allies and more willing to listen to friendly dissent, might have picked up on the complaints and modified its tactics. But, when Bratton left, so did the primary channel for such feedback. Giuliani and his top staff are far more energetic and talented than the usual city-hall hacks. But it's impossible to run a city of 7.4 million with a small cadre of reformers operating out of the mayor's executive offices.

To be sure, Giuliani labors under a great burden. In other cities, the black politicians of the civil rights era such as Coleman Young in Detroit and Marion Barry in D.C. have given way to a new generation of black leaders, like Dennis Archer and Anthony Williams, who have replaced racial symbolism with a concern for concrete achievement. There is no such second generation in New York. One aim of the celebrity acts of scripted "civil disobedience" outside One Police Plaza is to reenact the old struggles while preserving the power of patronage politicians like Harlem's Charles Rangel.

It's not too late for Giuliani to save himself and his program for the city. He's belatedly begun to meet with black leaders, and he seems now to recognize that even good policies can be taken too far. Similarly, under the pressure of the protests, anti-crime policy seems to be moving toward Bratton's vision of community policing.

In 1989, Sharpton helped convert a genuine grievance, the killing of young black teen Yussef Hawkins by a group of white thugs, into a mayoral victory for Dinkins. Sharpton now hopes that a similar campaign of polarization can define the city's post-Giuliani future. And he may succeed. Sharpton has become the instrument of revenge for all the public sector pols and interest-group activists, who are angered as much by Giuliani's achievements as by his failings.

For all its flaws, Rudy Giuliani's crusade to make New York more like the rest of America, by reducing crime and welfare while giving the private sector economy the opportunity to do its work, has been an enormous success. The tragedy of Amadou Diallo's death would be compounded only if the racial hysteria produced by the ongoing war between Giuliani and a Sharptonized Democratic Party unraveled those accomplishments. •

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The last spy story of the cold war.

THE STASI AND THE SWAN

By David Grann

In the spring of 1995, Jim Clark, who had spent half his life spying on others, was sure someone was spying on him. He first noticed the person when he got off the plane in Germany. Now, at the train station in Bonn, he could see the man's reflection in the ticket counter window. He knew from experience that people do silly things when they think they're being watched, but he did them despite himself: zigzagging across the terminal, spinning around, even walking backward.

He made his way back to America, but, when he entered his apartment in Virginia, he was certain the FBI had been there before him. His clothes were out of order, and his computer had been turned on. "Gonna say you're a ... spy," he mumbled to himself, anticipating the FBI's accusations. "You work for the KGB!" He'd already dug a hole in the woods out back and buried one of his miniature cameras, but there was still other evidence of his nearly two decades as a secret agent for the East Germans: dolls with slits in the back for film and a hollowed-out Reader's Digest condensed book for concealing documents. "An easy [mark]. An easy mark I am!" he said.

With each day, his paranoia increased. At night, alone in his apartment, he talked to himself, even though he knew the FBI might be listening. "I've gone through this conversation many times," he declared to no one in particular. "I'll answer your question under one condition: That no further questions will occur." He paused and looked around the empty room. "James Clark. Your honor ... *not* guilty." He tried to reach his East German contact, a man he knew only as "Harry." But it was too late. "FBI!" he yelled to himself. "You're under arrest!"

And then he was. On October 4, 1997, the FBI arrested the 49-year-old paralegal and private investigator for espionage. The government also arrested Jim's longtime friends—Kurt Stand and his wife, Terry Squillacote—as co-conspirators in what is likely to be the last spy case of its kind. All three were devoted Marxist-Leninists who came of age during the 1960s and, according to wiretaps and court testimony, spied for the East Germans from the 1970s until 1990. Even stranger, all three refused to give up on communism long after the Berlin Wall crumbled. As late as 1997, Kurt and Terry formed a Marxist study group, which convened once a month at their suburban home, and tried to organize a new espionage ring with a band of South African Communists. Their goal, Terry wrote in the discussion group's syllabus, is "Socialist transformation."

At their trial last October in Alexandria, Virginia, reporters and strangers crowded into the courtroom to see what they looked like, while old leftists seized upon the case to relive the wars of their past. At least a half-dozen Socialists, Communists, and assorted "progressives" sat behind the defendants each day, wearing red roses and warning of a new McCarthyism; one even refused to stand when the judge entered the courtroom. The FBI is "trying to refight the old ideological wars of the 1950s," warned Robert Meeropol, the son of Julius and Ethel Rosenberg. Conservative David Horowitz, meanwhile, claimed there were dozens more just like them lurking in suburbia. "Why only three?" he asked in *Salon* magazine after their arrests.

But the story of these spies—pieced together from FBI wiretaps and the first public interviews with Kurt and Terry—turns out to be less a tale of seasoned agents than of three minds consumed by an archaic religion. Unable to let go of their ideology, they became increasingly irrational until, by the end, they were no longer revolutionaries but alchemists of revolution, trying to create a new order out of nothing—a handful of minor documents and their own writings on bourgeois materialism.

When Kurt and Terry moved to Washington, D.C., in 1980, there was nothing especially unusual about them. They lived in a part of the city that was neither too fancy nor run-down—middle class for the true middle class, they liked to say. Terry studied law and, in 1991, went to work in the Pentagon's Office of Acquisition Reform, where she received outstanding evaluations and even a reinventing government award from Vice President Al Gore. Kurt, after wandering from job to job, first as a longshoreman and then as a maintenance man, finally settled in as an official with a food workers' union. They were, of course, old lefties, shopping at the co-op and boycotting Nestlé. But, with their two kids and minivan, they seemed almost, well, bourgeois. Their son, Karl, had severe learning disabilities, and Terry spent most of her time fighting with the school bureaucracy to ensure that he got a good education. She once wrote an op-ed in *The*

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Washington Post on his struggles, which she clipped and kept with Kurt's old college essays on imperialism. Neither of them could ever throw anything out, and the house resembled an antiques bazaar, with jars of Italian marbles, used books, and magazines from the '70s strewn everywhere. In winter, they'd host a New Year's party for their friends—a happy occasion where Terry's pals from the establishment mingled with Kurt's associates from the Democratic Socialists of America.

One person who sometimes attended was a paralegal with the U.S. Army named James Clark. Short and bookish, with receding gray hair and thick glasses, he was the only one in the room more reserved than Kurt: he avoided office birthday parties and, if he had anything personal to say, wrote it down in his diary, which he'd kept since he was a teenager. "No one had a bad word to say about the guy," says John Murphy, a former FBI agent and U.S. Marine who hired him as a private investigator in 1996.

But, every so often, unbeknownst to their friends and neighbors, Jim, Kurt, and Terry all allegedly received secret instructions from Harry, their East German contact. "I am sure you will get what we want," he wrote Terry in one message. While the kids were out playing, Terry would sometimes go down into the basement and listen to Morse code until her head pounded. Kurt, for his part, would mostly write long analyses of the labor movement and send them overseas. He thought of himself not so much as a traitor but as a friend, a collector of information. In Berlin, Harry kept careful track of all of their exchanges. "Everything arrived intact," he'd write. Or: "We do like [the] photos."

Although they never appeared to secure any damaging material, Jim chronicled almost everything he saw: newspaper clippings, college syllabi, medical reports. "He was like a ferret," said one FBI agent. He even coaxed from his friends in the State Department a dozen or so classified documents, including one marked "top secret," which he couldn't understand but that satisfied Harry the most. So diligent was Jim that one day the Stasi invited him to Berlin and presented him with a medal, which it took back afterward so that there'd be no evidence. As the century came to a close, Harry suggested in the East German files that everything was going well. But it was one of the last times he would have an assignment for them.

When the Soviet Union collapsed in 1990, so, too, did all three defendants. One day in despair, Jim took a hammer and smashed one of his miniature spy cameras. He then walked out to the Theodore Roosevelt Bridge and scattered the bits in the Potomac River. A few miles away, Terry was even more distraught. According to friends, when the Soviets lowered the red flag over the Kremlin for the last time in 1991, she could barely get out of bed. She stayed home and watched CNN and cried for hours while her colleagues at the Pentagon celebrated the end of the Evil Empire.

More and more, Terry retreated into her black moods. She took antidepressants and saw a shrink. History had not, as she'd expected, delivered them. It had screwed them. She had spent years trying to get a position at the Pentagon that would please Harry, who had gradually become her lover; now that she finally had such a job, he'd abandoned her in the bowels of the Defense Department. "You know, I definitely need to open up my life and get more sense of gratification in it, because walking into that concrete bunker is killing me," she told her brother. "It's just killing me."

Then, one day in 1995, her husband gave her a book called *Armed and Dangerous*, by Ronnie Kasrils, hoping it would cheer her up. On the cover, Kasrils, the former head of military intelligence for the African National Congress, wore a T-shirt emblazoned with a hammer and sickle. Like Terry, he had been trained in East Germany, and the book read like a spy thriller. But, unlike her, he had helped transform his country and now served openly in the government. "As for what I have done," Kasrils proclaimed, "I consider it something lofty and noble." Terry read each page, then read them again. Afterward, she tried for days to organize her thoughts in a letter to the author: "First let me send congratulations to you, and to those with whom you work, from myself and others here who also believe in the struggle to produce a better world." So much had happened since 1989, since the fall of communism, she didn't know where to begin. "Subjectivism, rule of law, assertion of objective forces of history...," she continued. "[W]hat do these things mean about how we achieve revolutionary change in society?" She typed and typed until she had written more than five single-spaced pages. She wondered if he'd read between the lines, if he'd see what she really wanted ... *needed*. "It would be so nice to sit together," she wrote, "and have a glass of that brandy you enjoy so much."

She signed the letter "Lisa Martin," then drove to Riverdale, Maryland, where a few months earlier she'd opened a post office box under a fake name, and sent it off. Kurt told her not to expect anything, but she kept hoping anyway. She railed endlessly about the imperialists in the Pentagon and at Harry, who helped put her there. Finally, just as her post office box was about to expire, she opened it up and found an envelope. She tore it open and began to read:

> Dear Lisa ...
> I have taken the liberty of asking one of our special components to make itself available to you in the States.... Should you wish to set out on this trek, I ask that on October 12th, you travel alone to New York. At 7:00 p.m. my representative will be in the Plaza Hotel in The Oak Bar. Please carry a copy of *Armed and Dangerous* and have with you this letter....
>
> *Yours truly,*
> Ronnie Kasrils

There were, of course, some suspicious things to be found in all of their pasts, things that most people had long since forgotten. "I declare the end of my cooperation with the Selective Service System," Jim wrote in college in 1967. "That agency serves as the murderous tool of Washing-

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ton's greedy corporate capitalist regime in its brutal attempts to suppress the struggling masses of the world." The ordinarily quiet Jim then burned his draft card. A photographer from *Time* happened to capture him in the act—a skinny, red-headed teenager holding a match.

A campus Bedouin, Jim drifted from university to university until, in 1973 at the University of Wisconsin in Milwaukee, he met a young hippie named Kurt Stand, a red diaper baby whose parents had fled Germany during World War II. On campus, Kurt was already a quiet hero, an amalgam of the Old and New Left. Tall and thin, with long sideburns and bone-white skin, he worked on the docks to pay for school and tried to organize the campus workers. "He knew all the Marxist literature inside out," says one of his old university professors, Jack Zipes. "It was remarkable what he had read at that age."

Indeed, unlike most of his generation, Kurt was not so much rebelling from his past as succumbing to it. The FBI had pursued his parents during the McCarthy era, and Kurt had grown up in a shadowy Communist underground in New York. His parents used to periodically bring Kurt to Germany, where they had known Harry for years. And, according to East German files presented in court, Harry recruited Kurt as an "agent in the West" when Kurt was only 19—allegedly with his parents' blessing. Kurt and his parents both deny this, and the FBI could never prove it. But his code name was "Junior," and Terry later wrote in a letter to the judge: "It was really mostly his parents' bag, and primarily the father's."

Whatever the case, before long, Jim was crashing at Kurt's apartment near Pulaski Street, Milwaukee's version of Haight-Ashbury. At night, the two comrades attended seminars on "black liberation" and "imperialism" at the youth arm of the Communist Party. While more and more students drifted away from their politics, one person drawn to them was a young dilettante from down the street named Terry Squillacote. Talkative and high-strung, with thick, curly, black hair and a limp caused by a birth defect, she was the antithesis of Jim and Kurt: ambitious, nervous, upper middle class. She had graduated high school in only three years and was at the top of her class at Wisconsin.

But one day she walked out of her Marxist philosophy class and saw Kurt standing there. "It was like he had a light over his head," she would recall years later. When the two of them started dating, Kurt's friends were horrified. "They thought Terry was some kind of petty bourgeois dilettante with a big mouth," says Marty Horning, who went to school with both of them. After their engagement, "there was even a plot to sneak him out of town. It included the guy who was going to be the best man at his wedding. So, when the wedding did take place, there was a whole group of people who weren't there." But Kurt saw something in Terry he couldn't fully explain. Maybe it was the way she couldn't stop talking or dissolved his shyness late at night. And one day he did something he had apparently done only once before with Jim: he introduced her to his Uncle Harry.

According to all accounts, Harry was a natural seducer. He was tall with wavy hair. He grew up on the Baltic coast and always talked about the sea. He taught Terry how to listen to Morse code and read Spanish numbers. He invited her and Kurt and Jim to safe houses around the world and sent them long coded messages in broken English. In 1990, after Terry had gotten a job on the House Armed Services Committee, he lauded her efforts in a secret missive: "It was very clever and courageous how you got the internship at yur oncle's [sic] office. Thank you for the details of the hearings (it was your first intern[al] political information. Congratulation!)."

Terry, perhaps more than any of them, coveted such attention. "I never loved anyone like I did Harry," she told her friends after her arrest. More than anything, she liked to feel pretty. Born without her right leg from the knee down and with a club left foot and hand, she spent much of her childhood in hospitals, learning to walk with a prosthetic limb. When she went to meet the South African agent in New York, she wanted to wear a miniskirt so he could see her injuries and understand why she was so dedicated to helping the less fortunate.

But, with Harry, it was different from the start. Her handicap seemed to be part of her beauty. Once, according to family and friends, when she was pregnant with her daughter, Rosa, she went swimming in a pool with Harry in Europe. As she lay on her back in a black bathing suit, the sun illuminating her figure, he told her she reminded him of the swan in Menotti's opera: "O black swan, where, oh, where has my lover gone?... Oh, *take me down with you. Take me down to my wand'ring* lover with my child unborn."

When the CIA went through the East German files after the fall of the Berlin Wall, it discovered an American agent with the code name ... *Schwan.*

More than a decade later, when Terry left the post office box with the South African's letter, she kept thinking: "I did it! I did it. All those years! All those years, and I did it, I did it!" At home she called Kurt, who was away on business. "Come home," she said. "I need to show you something."

"What is it?" he asked nervously.

She read him the letter. "Jesus Christ Almighty," he said. He told her he'd cancel his trip to New York. "Jesus Christ," he said again.

"Hurry," she said.

At last, on October 12, 1996, she packed up her few things and drove to New York. It was windy and dark when she arrived at the hotel, holding her copy of *Armed and Dangerous* in her hand. The bar was on the first floor, and she walked down a long marble corridor adorned with elaborate gold trim, a chandelier, and an old wooden humidor. As Terry looked around the room, an elderly man with dark hair, pale, pocked skin, and glasses approached her. "That's a very interesting book," he said.

He introduced himself as Robert; she as Lisa. "Do you

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mind if I have a cigarette?" she asked nervously.

They sat by a giant window overlooking Central Park and, for a while, talked circuitously, cautiously, each trying to make sure the other was not a crank or a double agent. His parents, he said, were born in South Africa; they fled after the nationalists came to power. "I consider myself a citizen in absentia," he said.

"You should understand that this is not a tabula rasa for me," she said, sipping her vodka tonic. "I'm coming with a history." Unfortunately, she went on, things never came to fruition. "I always felt more like someone who was in training for a long time."

As they listened to the jazz piano in the main dining room, not far from where the Vanderbilts and Goulds used to discuss the stock market, they ate foie gras and talked about the movement. "I believe in the struggle for socialism," she said, happy to be with someone who understood. She wanted to continue what Kurt's family had started back in 1918. "I want them to know that their life wasn't useless," she said.

Terry warned Robert that she might be too high a risk for him, no matter what she did—Harry had told her that the Germans were searching for three people in D.C., two men and one woman, who had spied for the Stasi. Robert, though, didn't flinch. He told her to get rid of her post office box and gave her a book of Nadine Gordimer's short stories. Inside was $1,000 for expenses.

There are no simple explanations for why people betray their countries. A traitor is different than an adulterer or murderer, for he betrays not just one person but everyone, a society, a culture, a way of life. Even the people whom he tries to help often look upon him with scorn: the English, for instance, jeered Benedict Arnold until the day he died.

Tod Hoffman, a former spymaster, wrote that spies would offer a potential recruit anything: "affection, protection, dignity, material gain, or whatever else they are most in need of." Historically, most traitors were driven, at least in part, by money. Judas demanded 30 pieces of silver from the chief priests, while Benedict Arnold asked the British crown for today's equivalent of $5 million.

But, in the case of Terry, Kurt, and Jim, money seems to have been superfluous. Instead, they seemed to have been driven by something else, something more disturbing. "Today—more than ever—it is hard to accept that anyone engages in grand gestures for the sake of ideology...," Hoffman explains. "Experienced intelligence ... would much prefer to deal with someone seeking to settle a personal score or demanding cash payment. Such people are more predictable."

Indeed, one day after Terry got back from New York and was all alone in her office, she showed how unpredictable she could be. Everyone had gone to lunch, except for a secretary. She looked around, her heart pounding. In the safe were several secret documents on U.S. defense spending. She had to do it now—before anyone came back—but her camera was at home, inoperable from disuse. Unsure what to do, she took one document to the Xerox machine, even though Harry had always warned her not to copy anything. The bright light on the Xerox machine flashed slowly ... across ... the ... screen, and she lifted up the cover, and put down another page, then another. Outside, in the corridor, security officers walked by, their heels clicking on the linoleum floor. As her colleagues returned from lunch, she dropped the documents on her desk, then later picked them up and hurried through the catacomb of corridors until she was breathing in the night air.

At home, she cut off all the classified markings, just as Harry had taught her, then set them on fire. "I got to bed, and the house still reeked of smoke," she told Kurt, who had brought her a bottle of Wite-Out to help clean up the markings.

That week she and Kurt worried about how to transport the documents to New York. What about putting them in wrapping paper, like a gift? Terry asked. "I'd kind of like to dress it up a little bit."

Kurt recommended buying a briefcase at Kmart, something cheap. "That's what I would do," he said.

Finally, Terry decided just to stick them in her brown satchel. As planned, she waited for Robert outside the Museum of Modern Art.

"Happy New Year!" she said.

On the sidewalk, in the cold, vendors were selling books and prints. "Happy New Year," Robert said.

They went inside and looked at Cézanne and Seurat. But even there she was jittery. "I have something for you," she said. "It's in the trunk."

After they fetched the bag from the car, they went into an Italian café on Fifth Avenue. When the waiter was out of earshot, Terry told her new handler what she had done. "I happened to have a day in the office when everyone was out, just me and the secretary"—even now she couldn't believe it—"so I figured I might as well try to score what I could."

She told Robert about the Xerox machine. "In the old days I would have filmed all that ... [but] this is actually the first time that I've ever...." Her voice trailed off. Robert offered to get her a new camera and a fake passport. Then he handed her another book. As they stood to go, he picked up the satchel.

A few months later, Terry and Kurt packed up their car and headed for Alabama with the two children for an Easter holiday with relatives. After driving through the night, with the windows open and the radio blaring, they stopped in Atlanta. While Kurt and the kids rested at the hotel, Terry drove across town to another prearranged meeting with Robert. "I didn't realize ... exactly what was in the bag" last time, he said excitedly, as they sat down. "Everybody's doing cartwheels."

There was only one small problem. He pulled out a German article about ex-Stasi agents who it appeared were being investigated by the new unified German gov-

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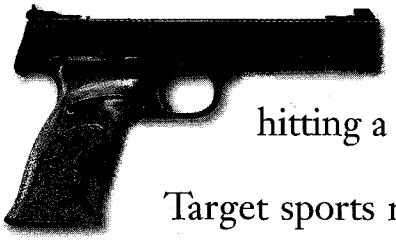
Then you already und



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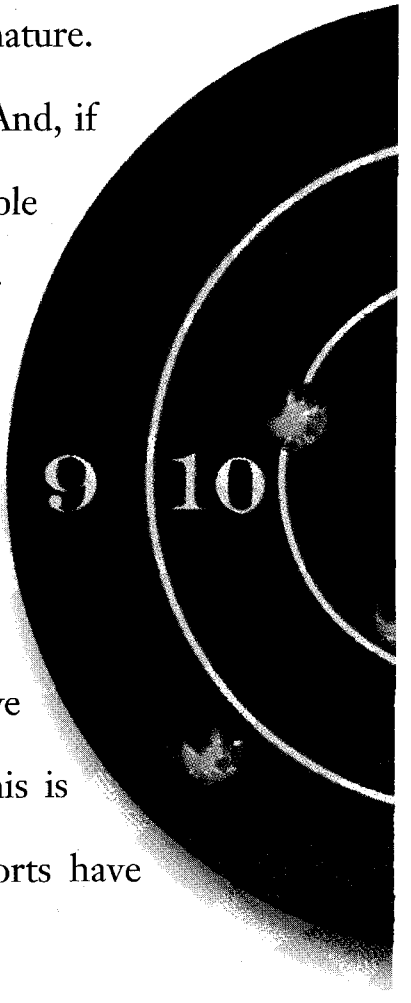

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Which means, aside from participants, few know about their diversity.

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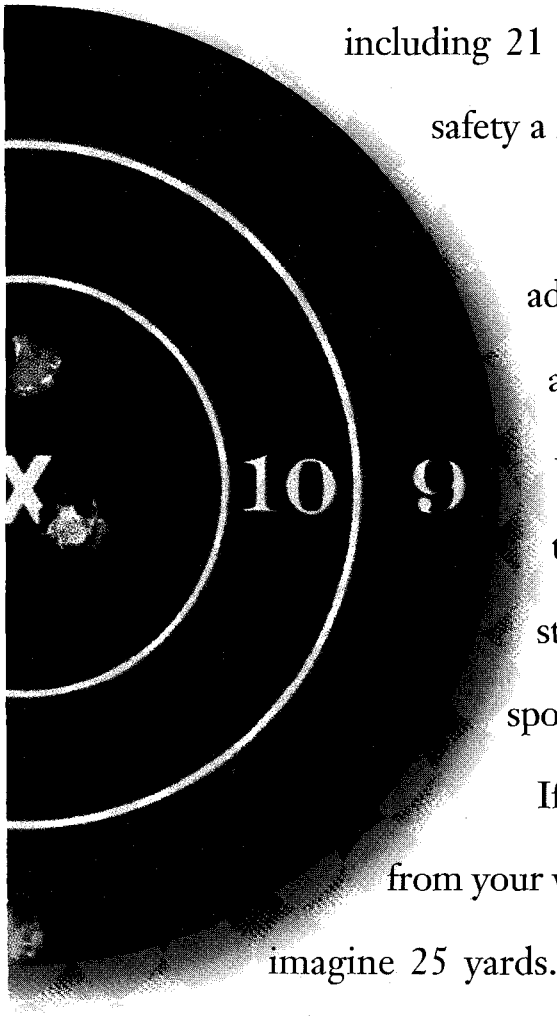

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ernment for espionage. Terry studied one of the photos more closely. That looks like Harry! she blurted out.

She became agitated, and Robert tried to comfort her. They'd already drawn up a list of all the people who could betray them, including Terry's in-laws and brother. "Certainly not my brother," Terry had written on a piece of paper.

What about Harry? Robert asked. He would never betray her; he loved her. And Jim Clark? She didn't think so, though she couldn't be sure. And Kurt? "He's totally on board," she said now. "He's thrilled to death."

Indeed, later that night, despite their fears, Kurt and Terry rode the glass elevator up to the seventy-second floor of the Westin Peachtree Plaza Hotel to complete their fake passports for a clandestine trip to South Africa. There was no place to leave the kids, so they had reluctantly brought them along—and pretended it was a business meeting with one of Kurt's clients. But 13-year-old Rosa already had an inkling of what was going on. "Did Mom tell you the good news?" she'd earlier asked Kurt.

"Which good news?" Kurt had replied, somewhat startled.

"The Lisa good news," she'd said, referring to Terry's South African code name.

Now the whole Squillacote and Stand family sat down at a table with Robert, the secret agent. The Sun Dial Lounge revolved slowly, and they could see, in the distance, the CNN Center and the Georgia Dome. While the kids sipped their Shirley Temples and Huck Finns, Robert brandished several three-by-five cards. Terry signed her name "Patricia A. Cunningham," and Kurt signed his "Harold T. Harding." Finally, when everything was in order, they looked out the window and watched the world spin beneath them.

It was around this time that someone slipped a note under Jim Clark's door. He'd been out after work and almost stepped on it when he came home. Scribbled in almost illegible black ink, it told him to be at the Best Western hotel at 20:00 hours and wear a baseball cap. It was signed, "Keep the faith, Your Friend."

Uncertain what to do, he drove past the hotel, then came home before anyone could see him. As he entered the apartment, the phone rang. He picked it up, and a man with a Russian accent told him to meet at the lobby of the hotel. It's about Harry, he said, then hung up.

Terrified, Jim climbed back in his car and returned to the Best Western for the second time that evening. It was just before midnight when he walked into the lobby, his hat pushed down over his forehead. "You don't have to wear the cap now," a man said, standing in the center of the room. Jim removed his cap and the man led him up to his room.

"Sit down," he said, pointing to the bed. "I have a greeting from Harry.... My people in Moscow work with him. I'm from Russian Embassy."

Jim didn't say anything. Maybe the room was bugged.

"One of my people was supposed to make contact with you," he continued. "You remember that?"

Jim had tried through Harry to establish contact with the KGB a few years before. "No," he said, lying just in case.

"Harry," the man went on, "had a little trouble with authorities in Germany."

Jim turned white. The man said Harry was fine, but they suspected that someone in their unit was fingering them one by one. Then he dropped the bombshell: the couple, his friends, may no longer be reliable. He insisted that they were safe as long as nobody did anything dumb. "But if somebody starts to ... how you say? Blabber the mouth or something." His voice trailed off, as if to let the prospect sink in.

"No one else knows," Jim assured him.

The man took out a bottle of scotch and offered Jim a drink. "You understand that the trust thing is still just partial with me," Jim said, raising his glass.

Of course, the man said, and they both clinked glasses and poured down their scotch.

Over the next few nights, they met secretly. But, just as Jim was starting to feel more secure, Terry called. She had seen another article, this one suggesting that Harry had been arrested. As the two of them huddled together at a crowded pub on Twelfth Street—Kurt was away on business—Jim finally told her about the Russian. After a while, they both became convinced he was an undercover FBI agent. How else did he know so much? Terry lit a cigarette and let the smoke curl around her mouth. Jim had just "slit" all of their throats.

She raced home and called Kurt, then typed a letter to her South African handler, warning him that they had all been substantially compromised. "I would like to try to find a way to get out and live a productive life elsewhere," she wrote, "where I could continue to make a contribution." In a separate missive, she said she no longer trusted Jim. He seems to think "Ross Perot is a progressive direction for activists."

Jim, meanwhile, no longer trusted anyone. He made a copy of the federal statute against espionage and studied it for hours. "You're so fucked," he told himself.

When Kurt returned, he tried to calm them both down. "[T]hey're throwing this out to see if anybody pops up," he said. "And then they can ... catch them."

But, a few days later, a woman with a German accent called Terry and said: "This is your friend's daughter. I have message from my father.... Can I read it to you?"

Yes, Terry said, her heart racing. "Your friend is in trouble. He is being closely watched."

The woman asked if Terry understood, then the line went dead.

Now they all began to panic. "I gotta get outta here," Jim said. At his apartment he ripped apart his books and journals, shredding any evidence. "*Vernichten*," he said in German. "Destroy! Destroy!" He stuffed his belongings in plastic bags and dragged them across the floor. "I'm going far away—Tibet!"

But, before he could even get downstairs, the Russian

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called and left a message on his machine saying they had to meet. "Get lost!" Jim screamed at the machine. "I don't wanna fuckin' see you again!" He took out his passport and stash of money. He knew a place in Mexico, an abandoned building near the border where he could hide. But, instead of leaving, he started to sob. "I'm not very good at this," he said. He opened the window and stuck out his head. "My God," he muttered, "my parents."

He bent over and started to hyperventilate. Don't lose control, he told himself. Don't lose control. "I know nothing," he shouted. "I know nothing."

On his way outside, a dozen FBI agents surrounded him. A few hours later, Terry and Kurt tried to make it to a hotel in Virginia to meet with Robert. But, as they exited the elevator, a second team of FBI agents enveloped them. In the ensuing chaos, Terry noticed Robert standing with the other agents, and it suddenly dawned on her: he was FBI, just like the Russian and the German woman who had called claiming to be Harry's daughter.

The spy lives in his own moral universe. He lives in a place where there is little light or intimacy, where, as John Le Carré once wrote, people "have seen too much and suppressed too much and compromised too much and in the end tasted too little." Ultimately, he can trust no one—for, deep down, he knows that a person who can betray his country can betray anything or anyone. "The difference between intelligence officers and other people," explains the spymaster Hoffman, "is that we anticipate—and, over time, expect—lies and faithlessness. Every relationship carries a stain of suspicion."

At the trial, it became clear the degree to which every character had betrayed someone for something. Robert, the undercover FBI agent, had betrayed Terry for his country. Terry had betrayed her country and husband for Harry. Harry, who went to jail briefly in Germany and was now a real estate agent in Berlin, had betrayed Kurt for Terry. (Kurt learned about his wife's infidelity for the first time in the newspaper after their arrest.)

Meanwhile, Kurt's lawyer, Richard Sauber, left open the possibility that Kurt might turn against his wife to exculpate himself. "A man in Mr. Stand's position ... has a terrible Hobson's choice," Sauber told the judge. "If he testifies to his own minor role ... he places himself in the impossible position of pointing the finger at his spouse." Though in the end Kurt could not betray the only woman he had ever loved, there was still one last act of betrayal: in exchange for a shorter sentence, Jim pled guilty and testified against Kurt and Terry. Afterward, when the prosecution asked Jim if he still considered Kurt and Terry his friends, he looked at them plaintively and said, "Yes."

The trial lasted nearly a month. Kurt and Terry were charged with conspiracy to commit espionage, attempted espionage, and illegally obtaining national defense information. Two of the city's best defense attorneys took the case almost entirely pro bono because they believed their clients had been entrapped. Terry's lawyer, Larry Robbins, and Sauber revealed how the FBI had found their clients' names in the Stasi files, then tapped their phones for more than a year, found Terry's letter to the South Africans in a search of her home, and set up an elaborate sting with Robert and the Russian undercover agent. They argued that, unlike Jim, their clients had never turned over any classified documents until after the sting. And, as the spectators stared in bewilderment and Terry sank in her chair, they noticed that even the information passed on during the sting had already largely appeared in *The New York Times* and *Jane's Defense Weekly*.

Oddly, the prosecution mostly shied away from the defendants' archaic ideology. It emphasized money as their primary motive, even though they had received relatively little. Venality, it seemed, was easier for the jury to judge than idolatry.

The defense, in turn, chose the only explanation that seemed plausible for Terry's strange behavior during the sting: she must be nuts. The defense cited the FBI's own internal psychiatric report, which the agency used in designing its undercover operation and which stated that Terry suffered from "cramps and depression"—and would likely try to kill herself after being caught. But, when the jury looked at all three defendants, it saw only one thing: Benedict Arnold.

Jim was sentenced to twelve years in prison. Kurt and Terry received 17 and 21 years, respectively. In a note to the judge, Jim wrote that he had spied "entirely for ideological reasons.... I have always been dedicated to a political movement that is opposed to greed and selfishness." In a separate letter, Kurt maintained his innocence. Terry, meanwhile, pleaded futilely for mercy. "This is the last gasp of the Old Left," said one of their friends in the Old Left as they departed the courtroom.

When I finally met Terry and Kurt, they were waiting to be transferred from the local Alexandria jail to a federal prison. Kurt came down to a visitors' room. He sat behind a Plexiglas window and talked through a phone. He had lost weight, and his uniform hung too loosely over his shoulders. His kids had gone to live with his brother in the Bronx, and he barely saw them. "They have a right to be upset and angry" with us, he said. "They have a right to have Mother and Father home with them."

When I went downstairs to see Terry, she had just been moved to the psychiatric floor. Her face was puffy, and her hair stood almost on end. After only a few minutes, a guard handed her two pills and a glass of water. "Time's up," he said. Before she left, I asked her the only thing I still didn't know: Had she lost faith in her beliefs? She looked at me oddly and pushed her face close to the glass so that I could see her veins. "No," she said. Just the opposite. In jail, she said, she had finally found a place where the state "took care of all the broken people of the world." •

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BOOKS & The Arts

Stanley Kauffmann on Films

Crimes and Misdemeanors

Here's the prime question about Clint Eastwood's **True Crime** (Warner Bros.): which has more wrinkles, the plot or the hero? Eastwood raises the question himself because a) he chose this scotch-taped story and b) his first scene has him at a bar putting moves on a young woman, his second scene has him in bed with another young woman kissing her behind, and in both scenes his cheeks and neck make his head look like an accordion.

Immediately those scenes make us uncomfortable for him. Here is a man whose 45-year career in film has quite deservedly won him many friends. In later years his work as director, when he began it, sometimes brought him overpraise (*Unforgiven*), sometimes underpraise (*The Bridges of Madison County*), but has always shown the sure grip of experience plus perception. For *True Crime*, however, he seems to have forgotten to bring those qualities to the studio. The plot of this picture, twisting along almost in parody of itself—and of similar pictures that preceded it—is crowded into uneasy shots; and as for his own performance, Eastwood has never seemed less the persona he has built through the decades, the calm yet commanding center of a storm.

Eastwood plays a former hotshot reporter, once of *The New York Times*, now of the *Oakland Tribune*. (Oakland has long had to live with Gertrude Stein's crack that there is no *there* there. Now its newspaper is viewed as a safety net for plummeting reporters.) Eastwood realized that the role of a maverick reporter is trite, so he tried to refurbish it by making the man a womanizer with a wife and child, and an ex-drunk—temporarily ex, anyway. Thus the role is modernized by having all the man's ethics jammed into his profession, leaving his personal life free for up-to-date ethical opportunism.

The modernizing doesn't stop there. The plot is antique—the reporter wants to save the life of a convict on death row by uncovering exculpatory evidence—but this time the convict is a black man. (With a wife and small daughter, symmetrically posed against Eastwood's family.) Certainly there are black prisoners on death rows around the country; but we feel that Eastwood has taken rather shrewd notice of that fact. What's more, to help the film's pertinence, the condemned man's blackness has helped to convict him despite the flimsy evidence against him.

The reporter's search is made into a race, not against the calendar but the clock. He has only about eight hours before the prisoner will be lethally injected. This leads to some 1925 intercutting between procedures in the prison and the reporter's frantic quest, even including some shots of a clock. As the frenzy rises, recedes, and rises again, like the coda of a Rossini overture, our sympathy goes to the late-middle-aged Eastwood hurrying around under all that Young Hero stress.

Why does Eastwood do this to himself? He has the power and the personality to do what male stars (not females) can do in our culture—he could age, really age, in leading roles. (Spencer Tracy and Fredric March did it, for just two examples.) Eastwood proved in *Madison County* that he can shuck his action-film past and concentrate on his present-day being. I hope he'll keep on in that vein and forget what here looks like a double obligation: the old-time need for action stuff, the new need for candid sex.

Robert Altman, however, doesn't try to repeat. This may be his most admirable quality. Not many of his films repeat atmosphere and intent from previous ones, even when they resemble one another somewhat. (*Nashville* focused on country music, *Kansas City* on jazz.) But Altman has other troubles.

He keeps wanting to unfold. He apparently thinks of himself as a master storyteller, unrolling a tale before us as a peddler unrolls a rug at a bazaar. *The Player* and *Short Cuts*, among others, were the work of a man marinated in the praise he has had as a raconteur and who was showing us that he deserved it. But he has rarely succeeded: because the stories usually aren't as good as he thinks and his technique purrs smugly instead of incising or sizzling.

He falters again with **Cookie's Fortune** (October). This time Altman takes us to a sleepy Mississippi town, which seems to have one chief activity: maintaining its air of inactivity. All is friendly and fine in Holly Springs where wealthy old Mrs. Orcutt, a widow called Cookie, lives alone in a large house, with her faithful black servant, Willis, ensconced in the small house behind. Cookie still longs for her deceased husband, and one day she simply shoots herself in order to join him. Her niece, Camille, who had hoped to inherit Cookie's estate in time, discovers the body, pries the pistol loose from

FILMS WORTH SEEING

The Dreamlife of Angels. *Extraordinarily arresting account of two quite ordinary twenty-year-old French women. (Reviewed 3/22/99)* **The Last Days.** *In this documentary five Hungarian survivors help to illuminate one of the less discussed corners of the Holocaust. (3/8/99)* **Lock, Stock, and Two Smoking Barrels.** *In London's East End two rival gangs harass each other in seriocomic style. Fun. (4/5/99)* **Metroland.** *A photographer, living with his family in the London suburbs, is tempted by a pal from his wild Paris days to resume bohemian life. Brightly written and acted. (4/12/99)*—**SK**

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Cookie's hand, and throws it in some bushes outside. Camille doesn't want the disgrace of suicide in the family; but by her action she creates the need to find a murderer. And who inevitably is the immediate suspect? The nearest black man, Willis. (A small echo here of the prisoner's plight in *True Crime*.) Along the soft-vowelled route to the finish, we encounter strands of the town's life, including the catfish trade, a headstrong young woman, and an amorous young cop. (Also, some genetic complications are trotted out to prove that a black man and a white girl are cousins yet she will not have black children. Neat.)

None of the film is exciting, and, despite the preeningly smooth flow of the story, little of it is interesting. The temper of the picture predicts the finish; how could it end otherwise? In the large cast Patricia Neal, as Cookie, plays with homespun regality, Glenn Close, as Camille, gets still another chance to reveal lunacy under propriety, and Julianne Moore shows, as Camille's sister, her appetite for variety: here she plays a dimwit. Donald Moffat supplies the requisite courtly country lawyer, and Courtney B. Vance plays a vigorous investigator, reminding us by his presence of racial liberalization in Mississippi.

The most taking performance comes from Charles S. Dutton. In several of August Wilson's plays, the playwright and the director have relied on the husky Dutton to provide a shock of energy when the proceedings sagged. Dutton could always do it: he is blessed with accessible fire. Thus Dutton-conditioned, I waited here for explosions. None came—from him, anyway. What Dutton shows is that he has other powers—geniality, affection, quietness, even some charm. Altman's best achievement here was to sense those qualities in Dutton and to deploy them. •

In the Fraud Archives

BY RICHARD A. POSNER

The Crime of Sheila McGough by Janet Malcolm

(Knopf, 161 pp., $22)

In 1990, a federal jury convicted Sheila McGough, a criminal defense lawyer in Alexandria, Virginia, of fraud, perjury, witness intimidation, and related crimes. She was sentenced to three years in prison. Her conviction and her sentence were affirmed, and her subsequent motion for a new trial on the basis of newly discovered evidence was denied, and that denial was also affirmed. After her release from prison, she wrote to the journalist Janet Malcolm, claiming that she had been framed because her pertinacious efforts to defend her clients had irritated federal prosecutors and judges. Malcolm investigated the matter and concluded that McGough had indeed been unjustly convicted. "It seems scarcely possible that in this country someone could go to prison for merely being irritating, but as far as I can make out, this is indeed what happened to Sheila McGough"—though Malcolm does not believe that the judges and prosecutors "framed" McGough in the sense of deliberately fabricating a case against a person whom they believed to be innocent. Malcolm has written up her findings in a short, entertaining, beautifully written, and deeply irresponsible book.

The book straddles two genres. The first is the kind of revisionist legal history in which a historian or journalist tries to show that a particular trial of a historical figure—Dreyfus, Sacco and Vanzetti, Hiss—produced a miscarriage of justice. The second is more literary and philosophical. It uses a real or fictional legal proceeding to raise deep questions about the law's capacity to find truth and to do justice, as in *Billy Budd* or *The Stranger*. Malcolm wants to show that the legal system failed to do justice in the case of Sheila McGough, but she also wants to show that it cannot do justice in any case, owing to its epistemological and ethical inadequacies.

Revisionists usually pick a well-known case to revise, and so there is a public record that can be consulted to evaluate their claims. Malcolm has picked an obscure case. While there is a public record in the technical sense—a trial transcript, briefs, and other documents that are available for public inspection in a government archive—it is not published, and it is not readily available to people outside the federal judiciary. Thus most of Malcolm's readers will find it impossible to evaluate her claims. They will remain unaware that her use of the record is selective and misleading. For the case against Sheila McGough was much stronger than Janet Malcolm lets on. I shall summarize the evidence presented at McGough's trial and then discuss how Malcolm tries to exonerate her "exquisite heroine," as she calls McGough, from all legal and moral responsibility.

In 1986, a con artist named Bob Bailes (this was only one of his names) retained McGough to defend him against a federal prosecution for bank fraud and for using a false Social Security identification number. McGough knew about the multiple names. She also knew that Bailes had a criminal record and was currently being investigated by the FBI for selling fraudulent insurance charters. Bailes touted these forged charters as authorizing the purchaser to engage in the insurance business anywhere in the United States without complying with pesky state-law restrictions. Eventually Bailes was convicted of this fraud, too, and was sentenced to 25 years in prison, having by this time accumulated an extremely long criminal record. He has since died.

While McGough was preparing Bailes's defense in the bank fraud case, he used her law office to conduct his insurance scam. Responding to an advertisement for the charters that he had placed in *The Wall Street Journal*, two men, Manfredi and Boccagna, represented by a lawyer named Morris, began negotiating with Bailes to buy two of the charters. Bailes demanded a deposit of $75,000, which Morris and his clients insisted be placed in McGough's attorney trust account and refunded to them if the deal fell through. All three testified that McGough repeatedly assured them that the deposit would remain in the account until the deal closed. As soon as the deposit was made, however, she checked out all but $5,000 of it to Bailes, who told her to keep the rest for herself, which she did. Shortly afterward she received a letter from Morris confirming that the money for the deposit would remain in her account; she neither answered the letter nor returned the $75,000 to the account.

The money had been put up by an investment banker named MacDonald (Morris's clients had been in effect brokers for the deal), and as MacDonald began looking into the charters that he had agreed to buy, he became suspicious. His lawyer, Blazzard, asked McGough whether the $75,000 was still in her trust account. She told him it was—

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though she had disbursed it to Bailes and herself almost two weeks before. McGough told MacDonald that some of the insurance companies authorized by the charters were up and running. None were.

MacDonald soon realized that he had been had. He demanded that McGough return his $75,000. When she refused, he sued her for the money. In her deposition in his suit, McGough denied that she had represented Bailes in connection with the sale of the insurance charters. This was a lie. On the eve of trial, her lawyer submitted to the court two documents entitled "Superseding Contracts." They purported to be signed by Manfredi (one of Morris's clients, remember) and to make the $75,000 deposit non-refundable. But Manfredi's signature had been forged, almost certainly by Bailes, from whom McGough had obtained the documents. McGough tried unsuccessfully to get Manfredi's forged signature notarized by a friend of Bailes named Cain. The day after this effort failed, she settled MacDonald's suit for the full $75,000.

Back in 1986, during the negotiations with Morris's clients, another prospective purchaser of the phony charters had appeared, a man named Johnson. He met with Bailes and McGough in her office. Bailes demanded a non-refundable deposit of $25,000. Johnson insisted that it be refundable and that it be retained in McGough's trust account until the deal closed. Bailes and McGough agreed to these conditions. The money was duly wired to her trust account—and she immediately checked it out to Bailes, all but $7,200, which she kept. Johnson later wired another $12,500 to the trust account, and this, too, was promptly divided between Bailes and McGough.

Unlike the deal with MacDonald, the deal with Johnson actually closed, with McGough signing for Bailes because he was in prison. McGough and Bailes had agreed to give Johnson documents proving that the charter he had purchased was indeed usable in all fifty states. The documents were not forthcoming, and when Johnson complained about this to McGough, she said the reason for the delay was that Bailes was "on the road." He was not on the road; he was in jail.

There was also a third such transaction, involving partners named Irwin and Sali. McGough denied that she had ever received the $25,000 deposit that they had made. In fact, Irwin had wired it to her trust account and she had promptly disbursed it to Bailes. When Sali (Irwin having died) demanded the deposit back, McGough threatened to sue him and to have him arrested.

Bailes devised a fantastic scheme for getting released from prison into the custody of McGough. She executed the scheme. It began with filing petitions for bankruptcy on behalf of several assetless corporations owned by Bailes. Other shell corporations owned by Bailes then filed claims against the bankrupts, at the same time pleading for the release of Bailes into his lawyer's (McGough's) custody on the ground that only if he were out of prison could he take the necessary steps to see that the creditors of the bankrupt corporations were repaid. McGough not only prepared numerous pleadings and motions in these fraudulent proceedings, but also procured and paid lawyers to represent the sham creditors.

By this time, a grand jury was investigating McGough. Shortly after she learned the identity of three witnesses whom the government was planning to call before the grand jury, Bailes brought a $50 million suit against each of them. McGough took the complaint to the federal court in which the suit was to be filed, but she refused to pay the filing fee. As a result, the suit was not accepted for filing, though each defendant was served with a copy of the complaint. There was other evidence of fraud, witness intimidation, and related crimes as well. McGough did not take the stand in her own defense.

The case that I have outlined struck the trial judge, the jury, and the appellate judges as open and shut. The only puzzle was Sheila McGough's motivation. It does not appear to have been financial. The deposit moneys that she appropriated from her trust account were minute in relation to the time that she spent representing Bailes, and during most of that time she received no compensation at all; and yet she abandoned all her other clients. It is possible that she was romantically involved with Bailes—she was a never-married woman in her forties during the period in which she represented him—but it is more likely that she was simply "taken in" by him. By all accounts he was charming and plausible: a true con artist. She believed in him, which was dumb but not criminal. Worse, she would stop at nothing—including crime—to advance his interests and rescue him from the clutches of the law.

So how does Malcolm attempt to refute the case against McGough? One of her methods is to quibble over evidentiary details. Almost every legal case is replete with loose ends, unreliable testimony, questionable witnesses, and bits of evidence that don't fit. A defense lawyer will often try to use these impurities to raise a reasonable doubt in the minds of jurors. Thus Manfredi testified that he had been present when Morris read to McGough over the phone the letter that he sent her telling her to hold his clients' $75,000 deposit in her trust account—but the telephone company's records show that the call lasted only a minute, which is probably too short a time for him to have read the letter, although it is less than a page in length. Yet there is no question that the deposits—not only the deposit that Morris's clients made on behalf of MacDonald, but also the Johnson deposit and the Irwin-Sali deposit—were made directly to McGough's trust account. The only purpose could have been to make sure that the deposit money was not disbursed before the deal closed, so that if the deal fell through the depositors could get their money back.

McGough's claim "that it was a no-free-look-deal and that she was not an escrow agent," though convincing to Malcolm, is incredible. Had that been the nature of the deal, the deposits would have been made to Bailes's bank account—and he did have a bank account, contrary to what McGough told Malcolm. Put differently, McGough had no reason of her own to want deposit money placed in her trust account; it could only have been the depositors' idea, and their only motivation could have been to keep the money out of Bailes's hands until the deal closed. McGough's "no-free-look" claim is further undermined by her failure to reply to Morris's letter. The letter made clear that the deposit was to be held by McGough and refunded if the depositors decided not to go through with the deal.

Malcolm makes much of the fact that Morris was disbarred and later sent to prison for fraud, though these things occurred after McGough's trial and were unrelated to it. And it is true that Manfredi was a disreputable character (as was Zinke, another man involved in the brokering of the sale to MacDonald). Manfredi was a disbarred lawyer, just like Morris, and was in prison for larceny when Malcolm interviewed him. But MacDonald and his lawyer Blazzard have never been accused of wrongdoing. And the shadiness of Morris and some of his clients is consistent with their having wanted the deposit retained in a lawyer's trust account until the deal with Bailes closed. Shady characters are more rather than less suspicious than the average person of the people with whom they do business. They would thus be particularly avid for the protec-

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tion that a trust account affords, though in the end they managed to avoid putting up any of the deposit money. It all came from MacDonald.

With regard to McGough's effort to get the phony "Superseding Contracts" that she dropped into MacDonald's suit notarized, Malcolm argues that since "copies of the contracts were already part of the court record of the case [McGough's lawyer having already filed them], it was out of the question that she would have" asked Cain to notarize Manfredi's signature. Not at all. A notarized signature would have tended to rebut the inference of forgery that MacDonald's lawyer would have asked the jury to draw had the case gone to trial. While it is true that Cain himself was shady and that McGough's lawyer in the MacDonald suit gave testimony at her criminal trial that contradicted some of Cain's testimony, the lawyer admitted not having attended the meeting in Cain's hotel room at which, according to Cain's testimony, McGough asked him to notarize the documents. And Cain, a friend of Bailes, had no incentive to give false testimony against Bailes's accomplice.

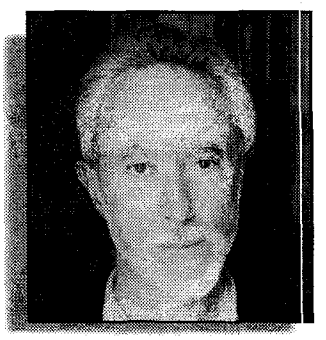
Malcolm claims that Johnson's lawyer lied when he said that McGough had said that Bailes was "on the road" when Johnson closed the deal for the charter. The lawyer was indeed mistaken. The statement had been made later, when Johnson became impatient for the documentation that he needed in order to launch the insurance company in all fifty states. But the confusion of dates is irrelevant to the fraudulent character of the statement. It is another example of the loose ends found in all cases.

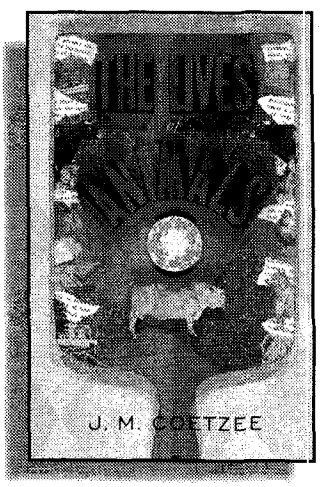
Malcolm's most credulous tactic in defense of McGough is simply to believe her denials. Those denials were not made under oath and they were not subject to cross-examination, for McGough did not testify at her criminal trial, where false testimony would have exposed her to a sentencing enhancement for committing perjury at the trial (as distinct from the perjury that she committed earlier, at her deposition in MacDonald's suit against her). The denials were made to Malcolm years after the trial. Malcolm takes them all on faith, oblivious to the possibility that she could be conned by a con artist's lawyer. Perhaps Malcolm thinks that you can tell whether a person is telling the truth by the sincerity of the person's manner; but that delusion is the very premise of successful con artistry. Malcolm has a condescending attitude toward McGough, who reminds her of "a corporate wife from Scarsdale, in town for a matinee." It does not occur to Malcolm that McGough could deceive her. And so, in crediting McGough's avowal of utter naïveté about Bailes's business dealings, Malcolm fails to register the significance of McGough's boast to her that in her career as an executive of a foundation (before she went to law school in her late thirties), she had "had the responsibility of negotiating contracts for" her employer. Malcolm also fails to note the incongruity of McGough's admitting to her that Bailes forged a document yet claiming that the government had framed him.

Malcolm exhibits almost comical credulity when, catching McGough in a lie, she remarks: "Her confession to me that she had misled Quarles [another person who had answered Bailes's advertisement] was only further evidence of her honesty. She could have fudged or equivocated, but she had chosen to tell the shameful truth about herself." But she *did* fudge. Quarles had testified that McGough had not told him that Bailes had been convicted. What she told Malcolm was that she had told Quarles only "that nothing was final, that things were on appeal." But beyond condescension, beyond credulity, Malcolm must credit McGough for a deeper reason: to validate her own pessimism about the ability of a trial to discover the truth.

Malcolm resorts to a dubious device to cast doubt on McGough's guilt: she ignores much of the damaging evidence presented at the trial. Given the inaccessibility of the trial record to most of Malcolm's readership, this tactic of suppression echoes the fraud of which she seeks to exonerate her "exquisite heroine." Malcolm does not mention McGough's appropriation of Johnson's $25,000 deposit. She does not mention McGough's dealings with Irwin and Sali at all, which included not only the appropriation of another $25,000 deposit but also the threat to have Sali arrested. She does not mention the multimillion-dollar lawsuits against the grand jury witnesses. It is not to be believed that Bailes conceived and prepared these suits all by himself—that McGough was merely his messenger girl in bringing the papers to the courthouse. The defendants were witnesses against her, not against him.

Malcolm does report the accusation that McGough participated in Bailes's sham bankruptcies. By not discussing whether the accusation was true or false, however, she makes it seem unrelated to McGough's prosecution. She implies that its only significance was to set the stage for a further accusation, which she denies on the basis of a long letter by McGough, that McGough had deliberately misled a federal judge with respect





The Lives of Animals

J. M. Coetzee

Edited and with an introduction by Amy Gutmann

Here the internationally renowned writer J. M. Coetzee uses fiction to present a powerfully moving discussion of animal rights in all their complexity. Coetzee's fable is accompanied by an introduction by political philosopher Amy Gutmann and responsive essays by religion scholar Wendy Doniger, primatologist Barbara Smuts, literary theorist Marjorie Garber, and moral philosopher Peter Singer, author of *Animal Liberation*. This is a thought-provoking, stimulating work.

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to Bailes's custody. Deliberate or not, it was less culpable conduct than the numerous frauds that McGough committed with respect to the fraudulent bankruptcies. And here Malcolm misses the most important point in McGough's letter, the statement that she had sought Bailes's release "so he could work with attorneys on a Chapter 11 [bankruptcy] case." That case was a sham in which McGough was deeply implicated.

Malcolm does not mention the unimpeached testimony of lawyer Blazzard concerning his conversations with McGough. Blazzard's name does not appear in the book. She does not mention that McGough, the "woman of almost preternatural honesty," as Malcolm characterizes her, committed perjury in her deposition in the MacDonald case when she claimed not to have represented Bailes in connection with the insurance charters. That perjury was one of the fourteen felonies of which McGough was convicted.

Why does Malcolm ignore all this evidence? Surely not out of laziness: she claims to have read and re-read the transcript of McGough's criminal trial. It is more likely that she ignores all this evidence because it would spoil the story that she is determined to tell. For the evidence taken as a whole leaves little doubt of McGough's guilt. But readers of Malcolm's book who have not looked at the trial record will not realize this. Or reviewers: none of the reviews of Malcolm's book that I have seen raises a question about its accuracy.

Malcolm seeks to undermine confidence in McGough's guilt in other ways, too. One way is by asking the reader to imagine malevolent motives on the part of federal prosecutors and federal judges angered by McGough's efforts on behalf of her clients before she met Bailes; but this possibility is reduced to the vanishing point by the fact that McGough did not practice law in the federal courts before she became involved with Bailes. His prosecution for bank fraud was the first federal case that McGough handled.

Malcolm also invites the reader to consider the alarming possibility that the American legal system is incapable of determining guilt and innocence. She is correct that the system is far from infallible, though she neglects to add that a guilty defendant is far more likely to be acquitted than an innocent one is likely to be convicted. But she is wildly incorrect that, "in a sense, everyone who is brought to trial, criminal or civil, is framed" because "the deck is stacked against the accused," or that "the prosecutor prosecuting an innocent person or the defense lawyer defending a guilty client actually have an easier task than their opposite numbers." The basis for this claim is that "truth is messy, incoherent, aimless, boring, absurd," and thus "a nuisance in trial work," so it can prevail at trial only if it is "laboriously transformed into a kind of travesty of itself." It is "impossible" for the defense in a criminal trial to "clear the accused"; it can only "attack the accusers."

This is fearfully overstated. But Malcolm does not stop here. She contends that McGough was convicted *because* she is incapable of lying ("almost preternatural honesty"); that McGough's habit of compulsive truth-telling condemned her to being disbelieved. "Law stories," Malcolm explains, referring to the charges and defenses made in litigation, "are empty stories. They take the reader to a world entirely constructed of tendentious argument, and utterly devoid of the truth of the real world, where things are allowed to fall as they may." What is this "real world" of which she is speaking? Can Malcolm really think that law is nothing but tendentious argument, that it has no truth value whatever? She is flirting with postmodernist skepticism. She does not quite say that truth is unknowable, as that would fatally undermine her claim to have established McGough's innocence. But if legal proceedings, which aim at truth—though not unerringly, and not to the exclusion of other values—are as incapable of hitting the mark as Malcolm believes, then we can have little confidence in the other methods of truth-seeking, such as investigative journalism.

To those readers unshakably convinced that McGough was Bailes's partner in crime, Malcolm's pitch is to depreciate the gravity of his crimes. She does this by romanticizing con artists and ridiculing their victims. They are called "con artists," she explains, "precisely in recognition of the qualities they share with regular artists," such as "love of freedom." The same could be said of most criminals. All of them are irked by the restraints that the law tries to place on their freedom of action. What is true of con artists—what is their stock in trade—is that they are charming; and this enables them to tap the vein of admiration in American culture (as in the earlier English culture that produced such works as *Moll Flanders* and *The Beggar's Opera*) for romantic outlawry.

A part of the appeal of con artists lies in the fact that they often prey on greedy, credulous, and sometimes crooked people—at best "born suckers" and at worst fellow con artists. But Bailes was not just a con artist. The bank fraud of which he was convicted in the case in which McGough first represented him was a straightforward case of obtaining a loan by making false representations (backed by forged documents) concerning the borrower's assets. He had earlier been convicted for a similar bank fraud.

Malcolm is also wrong that Bailes's criminal career consisted merely of "the various petty chicaneries he committed in order to eat and to pay for gas." In the course of a long criminal career, he stole many hundreds of thousands, probably millions, of dollars. (The insurance scam alone got him at least $250,000.) He also imposed enormous costs on the legal system and public-records offices with his incessant filings of forged documents and frivolous claims, lawsuits, and bankruptcy petitions. The burdens that white-collar criminals impose on the legal and administrative systems are not trivial. Malcolm is unduly dismissive of one registrar's complaint of having to spend more than 100 hours "trying to sort out the mess that Mr. Bailes had caused." She calls this "one among the many moans and whimpers that echo through the chronicles of Bailes's passage through the courts." What she should have said is that Bailes's victims included not only the people and institutions that he defrauded, but also the taxpayers who support the legal and administrative services that he abused.

Not all victims of con artists, moreover, deserve to be defrauded. Many are simply financially unsophisticated and desperate; and their ruination by con artists is not pretty. Not all prey are also predators. One would have to be an extreme Social Darwinist to believe that con artistry should be condoned because it winnows the commercial and consumer flocks of their weaker members. Whether any of Bailes's victims over the course of his long career were lambs is unclear; but Malcolm is wrong to suggest that *all* of them were his "spiritual colleagues." The banks that Bailes defrauded were not. And Malcolm herself calls MacDonald "the patsy"—only "a patsy without a patsy's philosophical bent," who rather than "sadly stumble away in the direction of his next disaster," which Malcolm thinks (this is a very Darwinian touch) is how a con artist's victim should react when he discovers he has been duped, tried to get his money back and to get McGough prosecuted into the bargain, being "a harsh and punitive man." Malcolm is here blaming the victim with a vengeance: not only for being victimized in the first place, but for trying to get the victimizer punished.

Malcolm thinks that Bailes was really convicted just for gumming up the bureaucracy's record-keeping. "[T]he mess Bailes created in the registrar's office was

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not the crime he was indicted for. But it was the crime he was convicted of." One is reminded of Camus's intimation in *The Stranger* that Meursault, charged with murder, really was convicted because he had not cried at his mother's funeral—that is, because he was a nonconformist in a stifling bourgeois milieu. Malcolm believes that Bailes received a long sentence in the bank fraud case because when he was arrested he was apparently living in his car, which was filled with dirty clothes and dirty dishes. "Dirty clothing and dirty dishes are no federal crime; but federal judges no less than juries form their impressions and act on them." Another Camusian touch, but a meaner one, is Malcolm's claim that the jury deliberated for only six hours before convicting McGough because it was the day before Thanksgiving and the jury "evidently need[ed] the afternoon hours for shopping." There is no basis for this slur on the jury's conscientiousness.

It is an embarrassment to Malcolm's account that McGough, this compulsive truth-teller, this martyr to truth, exercised her constitutional right not to testify at her trial. Malcolm accepts McGough's explanation that she was afraid that if she testified she would be bound to say things that would harm Bailes. Had McGough testified, Malcolm believes, she would have been acquitted. Her decision to sacrifice herself for her client raises McGough, in Malcolm's eyes, to heroic stature. McGough's "refusal to label [Bailes] a con man and write him off" stands for "something rather magnificent . . . a bracing idealism."

Everyone charged with a crime is entitled to the loyalty of his lawyer. But there are limits. The lawyer is not to commit crimes on the client's behalf. No legal system could tolerate such behavior. Breaking the law to spring one's client may be morally justified if the legal system is fundamentally unjust, or perhaps even if, within the framework of a basically just system, the defendant is indeed being "framed" and there is no lawful way to rescue him. But Bailes was just a crook, as Malcolm in her soberer moments acknowledges—and, indeed, reminds McGough. The suggestion that he would have been acquitted of bank fraud, or not charged at all, had he not caused extra work for government clerks is absurd. McGough was not fulfilling "a lawyer's obligations to his client . . . to the letter." Those obligations do not include perjury, bankruptcy fraud, breach of fiduciary obligation, obstruction of justice, and the other crimes that this bracingly idealistic heroine committed.

Malcolm's book disserves the public

I Call Myself an Artist

Writings By and About Charles Johnson

Edited by Rudolph P. Byrd

Charles Johnson is one of the most talented artists currently working in America. All of his novels have been widely praised and read. *Middle Passage* won the National Book Award and established Johnson in the tradition of Ralph Ellison, one of his idols. In 1998 he was the recipient of one of the prestigious MacArthur "Genius" awards.

Though best known for his fiction, Johnson is also an accomplished essayist, reviewer, scriptwriter, and cartoonist. This collection gathers together a rich sampling of his work, including stories, speeches, cartoons, and interviews. A final section contains scholarly commentary by leading academic writers. *I Call Myself an Artist* provides a fascinating overview of the life work of one of America's most important creative minds.

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by making light of crimes that involve "merely" fraud rather than drug dealing or violence, and by undermining confidence in the criminal justice system. Bailes, the career criminal, almost a one-man crime wave, is recast by Malcolm as a lovable nonconformist, a modern-day Huck Finn. The system of criminal justice is redescribed as an engine of oppression. By the end of the book, Bailes is Robin Hood and McGough is Joan of Arc—which may be how McGough came to think of the pair of them.

One of Janet Malcolm's anti-law cracks—that "trials are won by attorneys whose stories fit, and lost by those whose stories are like the shapeless housecoat that truth, in her disdain for appearances, has chosen as her uniform"—describes her own technique better than it does the law. I don't blame her for being unwilling to don a shapeless housecoat. I wish only that she had changed the names of the characters in her story and presented it to the public as the fiction that it largely is.

RICHARD A. POSNER is Chief Judge of the U.S. Court of Appeals for the Seventh Circuit and the author, most recently, of *The Problematics of Moral and Legal Theory* (Harvard University Press).

Blindness and Insight

BY ARTHUR C. DANTO

Sight Unseen
by Georgina Kleege

(Yale University Press, 233 pp., $25)

The subtitle of Diderot's *Letter on the Blind is À l'usage de ceux qui voient,* or *For the Use of Those Who See.* The same subtitle might serve for Georgina Kleege's strong and interesting book, intended as it is to modify the way that the sighted view the sightless or the near-sightless, which is her own condition. Kleege is legally blind. And so her aim is to urge the sighted to "revise their image of blindness." The blind are urged not to fake seeing in order to "pass"—as if blindness were a stigma rather than an impairment.

The structure of Kleege's argument is exceedingly contemporary: it belongs with the larger literature of texts written by the discriminated-against for the use of those who discriminate. ("For the Use of Males," "For the Use of Whites.") Through a linked sequence of autobiographical vignettes, Kleege seeks to demonstrate that she is in no deep sense different or "other" than her normally-sighted readers. Within the parameters of macular degeneration, diagnosed when she was eleven, she has found ways to lead an agreeably cosmopolitan life as a writer, a reader, and a teacher. She visits art exhibitions and she watches movies. She travels. The differences have mainly to do with "practical solutions to mundane problems," which differ only in degree from employing a magnifying lens to read fine print, or bifocals, or stronger light, or larger print. (Kleege's life also requires an admirable degree of pluck, I imagine.)

But Kleege begins and ends her book by identifying herself as blind. "Writing this book made me blind" is her wry opening sentence. This is literally false, but perhaps it is morally true. Her eyesight, such as it is, was no worse than it had been when she began her book, and only slightly worse than when her condition was first diagnosed. In the course of writing the book, however, she "understood for the first time how little I actually see." This discovery underscores how remarkably much she had made of that little, but it does not entirely erase the difference between her and the fully blind. She declares herself blind *tout court,* now preferring that to papering over her deficit with "less precise phrases, such as 'visually impaired' or 'partially sighted.'" In fact, those are far more precise characterizations of her condition than "blind" is.

With important qualifications, Kleege pronounces herself blind somewhat in the way in which Kennedy pronounced himself a Berliner. It is a matter of moral sympathy. What she really makes us understand is how even a minuscule amount of vision is a lot. "I know how to make the most of what I see," she writes—but the blind have no vision to make the most of. Against the way the blind are represented in novels, plays, and films, she sets her own fulfilling life. And she identifies herself with the blind in order, on the same data, to dispel the myths of their otherness, and to insist that, except for the way the sighted represent them, the problems of the blind are, like her problems, "practical and mundane."

I accept that there are disfiguring myths concerning the blind, and I can understand how the blind would feign sightedness to avoid being stigmatized. I grant Kleege's argument. For philosophical reasons, though, I am uncertain that a small amount of vision is the same as no vision at all. The fully blind, as Diderot sympathetically described them, learned to do many remarkable things, from threading needles to writing treatises on optics. But Diderot supposed that there are deep philosophical differences between them and the sighted, which from his perspective would include, I think, the poorly sighted, and even the very poorly sighted. The sightless and the sighted, to put it grandly, live in different conceptual worlds, beginning with the different way in which the blind represent their own condition. This deserves some discussion.

The blind make their modern philosophical debut in John Locke's *Essay Concerning Human Understanding,* through what has become known as the Molyneaux Question. Would a blind person, able to distinguish a cube from a globe by touch, distinguish them by sight alone if given sight (say, by the removal of a cataract)? Molyneaux claimed not, and he counted this a confirmation of Locke's thesis that visual concepts are acquired only through visual sensations. Many important philosophers—Leibniz, Berkeley, Condillac—debated the Molyneaux Question, which at least raised the question of whether the sighted and the blind have the same concepts of basic geometrical solids.

But the point is more general. Having no concept of how the world looks, what do the blind know of what it means to find one's way with one's eyes? And Locke's theory of ideas raised an even more nagging question. Since the entire edifice of our ideas rests on a foundation of sense experience, might there not be a difference between the higher ideas of the sighted and the blind, if pieces of the foundation are inaccessible to the latter? Diderot took this conjecture to a dangerous extreme in describing the last words of Saunderson, the celebrated blind mathematician who taught mathematics at Cambridge. Saunderson cried out, "Oh God of Newton and Clarke, have pity on me!" Diderot insinuated that Saunderson, as a consequence of his blindness, may have had a different concept of God, and therefore a quite

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different set of metaphysical and moral beliefs, from those possessed by the sighted.

Perhaps it was to ground this relativism in exact observation that Diderot conceived his *Lettre sur les aveugles*, which landed him in prison for a month, despite its clandestine publication. Relativism suited an eighteenth-century *philosophe* with an atheistic bent, and a faith in the possibility of moral systems more enlightened than those under which people everywhere lived. But is relativism seriously supported by the different ways of being in the world that Diderot notes between the sighted and the blind? Saunderson's blindness did not prevent his treatise on optics from being understood by the learned community.

I once had a brilliant graduate student who was blind from birth. He had an understandable interest in philosophical questions about the blind. We had many candid conversations, and he produced a dissertation on the topic, under my supervision. As an admirer of *Lettre sur les aveugles*, I was on the lookout for anything that might count for or against its momentous claim. In fact, the only point at which my student and I lived in different metaphysical worlds had to do with the way we understood the idea of vision itself. He once told me that, after teaching a class, the students had become bold enough to question him about what it was like to be blind. They wanted to know how it was with his eyes: did he see black, for example? He replied that he did not know, never having experienced black. That would have been Locke's answer. But then he said something as dazzlingly transformative as a Zen illumination. He asked them to think of the palm of their hands, and then asked how it was there: was it always black, or what?

In this way, I think, he taught his students what it was to be blind. One is blind when the eyes receive only the sorts of sensations received by the surfaces of the rest of one's body. He himself believed that seeing was a matter of being touched on the surface of the eyes, which in his case (so he concluded) must be numb. And these were precisely the views of "the blind man of Pusieux," whom Diderot knew personally. "What in your opinion, is the eye?" he was asked. And he answered: "An organ which is affected by the air in the same way that my hand is affected by a stick." What would it even be like to have sight for someone who has never had it?

To the degree that one can extrapolate from these observations, I would have inferred from Kleege's language that she is not strictly blind, since she more than once borrows language from the texts that she finds dis-enabling, using words such as "darkness" to describe the condition of being blind. Is the condition of an anaesthetized limb one of darkness? Unlike my student, and unlike Diderot's subjects, Kleege had eleven lucky years of visual life. And so, like neither of them, she is able phenomenologically to describe the way she sees.

In Coetzee's *Waiting for the Barbarians*, she comes upon a passage through which she learns what it is like to be blind in the way that she is. "There is a blur," a character says. "But I can see out of the sides of my eyes.... How could I find my way if I could not see?" Kleege writes: "When I first read this passage it was with a shock of recognition unlike any I had known before. The girl's blindness is exactly like mine. The simple analogy to a blur on a window both gave me a way to describe my blindness and helped me to see my blindness more precisely." Only someone with some repository of visual understanding knows that a window is something through which we see. The sighted see blindness as a window through which only darkness is seen.

Interestingly, Kleege's visual understanding does not enable her to grasp what is meant by "eye contact"—seeing that someone sees me seeing them. Eye contact became a philosophical topic in the writings of Sartre. In his account, discovering that one is being looked at discloses to the subject that she is an object for others, and so possesses a far more complex ontology than traditional speculation on the self allowed. If Sartre is right, might it not follow that ignorance of eye contact entails a difference in one's conception of subject and object alike? Kleege says that she understands the significance of eye contact, but she does not know what it is. "Why call it contact if no actual contact takes place?"

Here she falls back on the model of touch, much like Diderot's blind informants. Yet consider the difference between seeing an eye—say, the eye of an animal—and seeing the animal seeing me with its eye. How would one translate the difference into differences of touch? My blind student had similar difficulties in understanding such expressions as "his eyes glowed." He genuinely believed that the person of whom that is true has incandescent eyeballs. It is entirely plausible, therefore, that Diderot might not be altogether wrong about the different metaphysics of the blind.

These are not the kinds of difference that Kleege is concerned to deconstruct.

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She is interested rather in myths "equating blindness with ignorant despair, and sight with virtuous wisdom"—a kind of ocular paternalism, exemplified over and over again in the blind heroines of the cinema, whose inability to see others seeing them may be a metaphor for the objectification of women by gazing men everywhere. "Fear of blindness leads naturally to fear of the blind." This uncomfortably parallels the psychoanalytical thesis that fear of castration leads naturally to fear of women, whose defining lack is perceived by mythologizing males as a punishment. Small wonder that the blind might pretend to be normal, finding circuitous ways to appear like everyone else.

It came as a revelation to Kleege that she herself had denied her condition by refusing to learn Braille, as if by accepting it she would be blind by default. In a way, she accepts that consequence: she masters Braille and declares herself blind. If using Braille means that she is blind, then she *is* blind, and the sighted world be damned. Braille brings advantages that were unavailable to her when she pretended that she was like everyone else. It allows her to read in a comfortable position, or to deliver a lecture without pressing her notes against her eyes. Still, reading with her fingers, she pauses over such commonplace expressions as "their eyes met," so different in logic from "their lips met"—and so we are back in Molyneaux territory, and the great debates concerning human understanding.

Since the myths surrounding blindness distort the way in which the blind think of themselves, Kleege speaks with the voice of a reformer, even a crusader. She is a feisty writer, and she seems to scan the remarks of others for the slightest trace of what we might call sightism. She sometimes imagines discussions that she would have with unwitting sightists, and they resemble the discussions that I remember having had with a feminist theorist with whom I was once involved, which made me conscious of even the most infinitesimal degree of sexism. Kleege's point, in these imagined disputations, is always that seeing takes place in the brain. "My brain is still sighted," she writes. Seeing is not merely letting the world flow in through the eyes. The eyes do not read word by word down a page; they execute *saccades*—random leaps across the page—through which an image of what is written forms in the brain. Kleege herself, in a more cumbersome way, duplicates saccadic vision by turning her head this way and that, until some sort of picture forms in her mind (or brain, if you wish). The sighted and the blind alike perceive by forming hypotheses.

But are the hypotheses of the blind entirely congruent with those of the sighted? Or do they differ through the fact that they lack the sense required? Turning the head this way or that would not help at all if there were not enough vision in place to help the brain form concepts. Just because perception always involves the brain does not mean that the brain of the blind and the brain of the sighted are alike when it comes to forming concepts of the world before them. Philosophically, Kleege's terms fail to satisfy.

What is most powerful about Kleege's book is the picture that it creates of a gifted woman leading a full life despite a handicap that might be supposed to have made it almost impossible. Ironically, by taking on the identity of the truly blind, especially by acquiring Braille, the differences between her and the sighted are narrowed. This is a provocative book, gracefully written and morally urgent. It demonstrates how narrow the path is between the denial of difference and the transformation of difference into otherness. In the end, what Kleege wants to say is that she is different without being other. Philosophical considerations apart, she is right.

ARTHUR C. DANTO is the author, most recently, of *Philosophizing Art* (University of California Press).

The Rhapsodist

BY YEHUDAH MIRSKY

Abraham Joshua Heschel: Prophetic Witness by Edward K. Kaplan and Samuel H. Dresner

(Yale University Press, 402 pp., $35)

Moral Grandeur and Spiritual Audacity: Essays by Abraham Joshua Heschel edited by Susannah Heschel

(Farrar, Straus and Giroux, 428 pp., $15)

With one exception, American Judaism has produced little in the way of powerful iconography. The exception is a photograph that hangs today in many studies and schools. It shows a line of marchers. There, in the center of this solidarity, is Martin Luther King, and to his right is Ralph Abernathy, in overalls and a workingman's cap, and to his left is the stately Ralph Bunche, and arm in arm with Bunche is a rabbi with a white beard. He is Abraham Joshua Heschel, whose path to Selma had begun in the Hasidic courts of pre-war Poland and passed through the last, pained efflorescence of German Jewry.

In this arresting image, we seem to glimpse a scholar who survived the bedevilments of modern Jewish history, a thinker who discovered some kind of religious energy for liberal democracy, a culture hero for American Jewry. And yet this story, like all stories, is complicated. Who was this singular man, seemingly at home both in the recesses of Jewish tradition and in the tumult of American history? His very persona elicits the sense of mystery that he lovingly (and perhaps excessively) explored in his books. How did the scion of a Hasidic dynasty get to Selma? Was it a seamless passage, or did it involve compromise and loss? And what did he leave behind?

Since his death in 1972, Heschel has been canonized by many American Jews (and by many non-Jewish students of religion and political activists) seeking a forebear whose life and work might grant them entry into the often-forbidding precincts of Jewish learning without forcing them to check their liberalism at the door. Now they may be assisted by the first volume of this first significant biography. Edward Kaplan and Samuel Dresner's elegantly written book is the product of years of dogged research. It tells a fascinating story and it unearths much little-known and rich material. It is clearly a labor of love. As love's labors

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often do, however, this book raises as many questions as it answers. There is too much adoration here. It is very hard, of course, to write honestly about a figure whom one reveres; but the reader may be excused for demanding more.

Abraham Joshua Heschel was born in 1907, five generations removed from his dynastic namesake, the Hasidic Rebbe Abraham Joshua Heschel of Apt (1748–1825), who lay buried in Mezbizh, the seat of the mystic and wonder-worker Israel Ba'al Shem Tov, who galvanized modern Hasidism into existence in the mid-eighteenth century. Heschel's father was a descendant of Dov Baer of Mezerich, known as *Der Maggid*, or The Preacher; it was Dov Baer, a preeminent disciple of the Ba'al Shem Tov, who elaborated his master's ideas into a system of thought and was largely responsible for Hasidism's integration into the literature of Jewish mysticism. Heschel's mother traced her own lineage to Levi Yitzhak of Berdichev, another Hasidic hero, and a legendary figure revered for his love of the common folk and his audacity in calling God to account for the sufferings of His people. Thus the two broad currents of Hasidic teaching were joined in Heschel's ancestry: the theology and the storytelling.

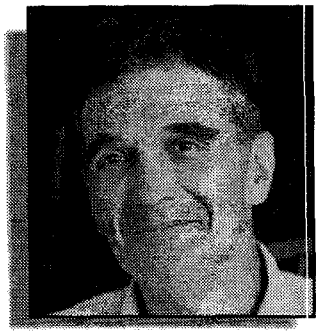
The respective descendants of Dov Baer and Levi Yitzhak had themselves founded numerous Hasidic dynasties, and their courts dotted the countryside of Eastern Europe. Heschel was thrust at birth into a thick landscape of rabbis, saints, and communal leaders. A sense of aristocratic descent never left him. He was born not in one of the *shtetlach*, or villages, that gave these Hasidic dynasties their names and intimate identities, but in metropolitan Warsaw, to which his parents had moved from Novominsk, where Heschel's maternal grandfather had established his own dynastic seat. In this they partook of the broader processes of migration and urbanization that were steadily shifting the ground under the feet of Eastern Europe's Jews. In the concluding decades of the nineteenth century, modernity was visiting itself upon Eastern Europe with a vengeance, and not least upon traditional Judaism. The push of economic hardship and political persecution, and the pull of broader horizons, steadily weakened the inherited structures of the Jews.

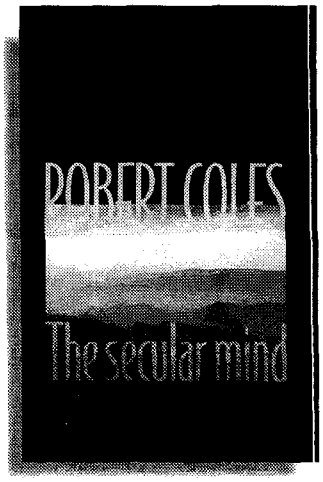
By 1917, Jews comprised 41 percent of the population of Warsaw, two-thirds of whose observant Jews classified themselves as Hasidim. Heschel's father, who like many Hasidic rabbis still bore the designation of his hometown and was known as the Pelzoviner Rebbe, established his court in Warsaw's central Jewish neighborhood, which was also home to Socialists, Zionists, Yiddishists, Hebraists, and all the other "ists." There he tried to maintain a traditional religious life amid the reduced spiritual circumstances of the big city. Young Heschel received the traditional upbringing and education of a Hasidic scion, supervised—after his father's early death—by his uncle Alter Perlow, the Novominsker Rebbe. This largely consisted of immersion in the Bible and its traditional commentaries, in Talmudic law, Midrash and rabbinic literature, and Hasidic teachings.

His uncle, a pious ascetic, directed him toward the teachings of the Gerer Hasidic dynasty (named for the town of Gora-Kalwaria). This orientation was to have far-reaching effects on Heschel's development. The first Gerer Rebbe, Yitzhak Meir Alter, was a disciple of Menahem Mendel Morgenstern of Kotzk (1781–1859), one of the most enigmatic and provocative figures in Hasidic history. The Kotzker, as he was known, taught a savage brand of introspection, a ruthless confrontation with the facts of mortality and personal inadequacy. In Heschel's studies with a tutor in the Kotzk tradition, the gentler teachings of his patrimony encountered a religious universe of strife, doubt, and ascetic severity.

Like other later Hasidic thinkers, the Kotzker, a staunch opponent of change, grasped the interiority of the modern religious temper, in which the individual searching for God is steadily driven back onto the self. Unlike other Hasidic masters, however, he was a merciless critic of conventional religiosity (Hasidic religiosity included). He hungered for a nearly unattainable spiritual authenticity, spending the last decades of his life in near-seclusion, leaving behind no written works but only the memory of his powerful and forbidding personality and a trove of arresting aphorisms. (In response to a naïve query about where God is to be found, he is said to have answered: "Wherever He is let in." On hearing one of his disciples say that he loved fish, he said: "No you don't! If you did, you wouldn't eat them.")

The Kotzker left no real successors, and his acerbity drove away many of his protégés, who went on to found some of the most interesting currents in late Hasidism. Yitzhak Meir of Ger was one of the most successful. (The Gerer dynasty still flourishes today.) His grandson, Yehudah Leib Alter (1847–1905), composed one of the masterpieces of the





The Secular Mind

Robert Coles

Does the business of daily living distance us from life's mysteries? Do most Americans value spiritual thinking more as a hobby than as an all-encompassing approach to life? Noted child psychiatrist and best-selling author Robert Coles offers a profound meditation on how secular culture has affected Americans.

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Hasidic tradition, *Sefat Emet*, or *The Language of Truth*, a collection of three decades of sermons. Young Heschel studied these texts at his grandfather's direction. They characterized the religious life as the search for *ha'nekudah ha'pnimit*, or the interior point, also called *nekudat ha'khiyyut*, or the point of aliveness: the paradoxical moment in which one's selfhood is both realized and surrendered, in which integration is achieved by a sense of connection to life's animating forces and a simultaneous dissolution in its transcendent sources. This teaching was deeply radical and deeply conservative, making the individual soul the locus of religious life and securing it against the disturbing waves of change coursing through the modern age.

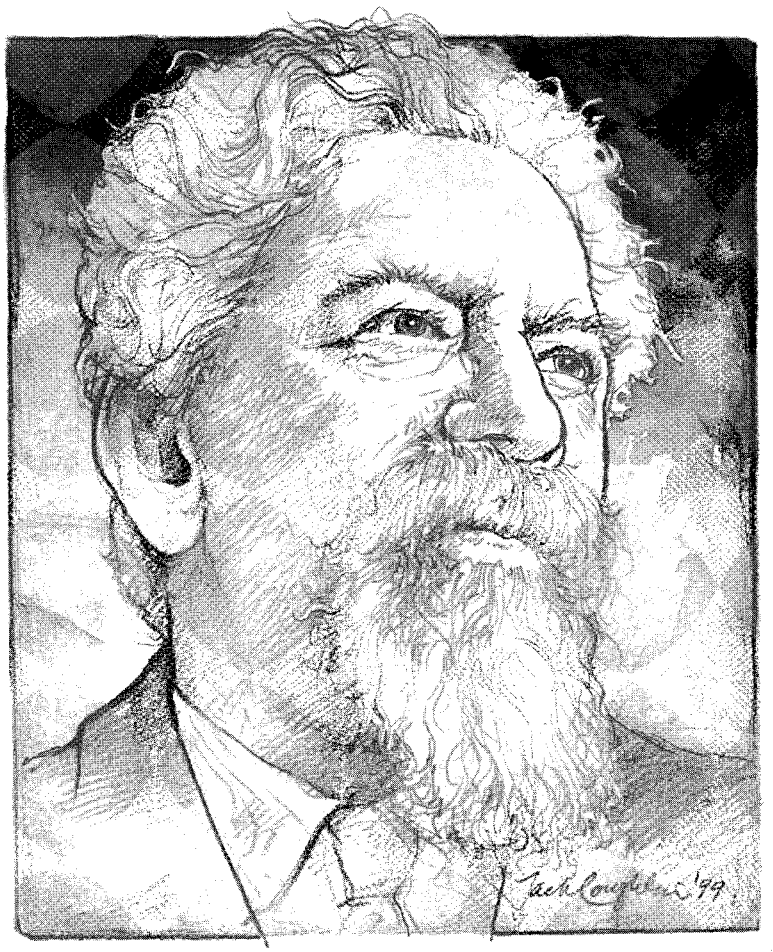
In the time-honored manner of young Talmudists, Heschel began to publish brief articles on rabbinic law, and was ordained at the age of sixteen. At the same time, he was encouraged to explore secular learning by a visitor to his uncle's circle named Fischl Schneerson, a relative of the Lubavitcher dynasty, a physician and an early devotee of psychoanalysis. A growing taste for the outside world led Heschel to Melekh Ravitch, one of Warsaw's Yiddish *littérateurs*, who published some of the young Hasid's surprisingly erotic verse.

When he was eighteen, Heschel decided to leave Warsaw for Vilna (or Vilnius), the capital of Jewish cultural life, where he could undertake the studies that would qualify him for university. Why did a rabbinic prodigy, groomed to reap the rewards of pedigree and talent, throw himself into a deeply secular life, and never really rejoin the fold? Why did he leave the enchanted world of mystics and pietists? Why did he go? Was there something he was going to, or was there something he was running from? Kaplan and Dresner never really explain the young rebbe's defection.

His reason, of course, is finally unknowable, but an important piece of the puzzle is omitted in Kaplan and Dresner's portrait of Warsaw Hasidism, even though it lies close to hand in their bibliography. There we find a reference to *Hassidut Polin*, or *The Hasidism of Poland*, by the Israeli historian Mendel Piekarz, a remarkable and exhaustively documented study of Polish Hasidism in the interwar period that appeared in 1990. What Piekarz has demonstrated at length is that by the 1920s Hasidism had become in many ways a profoundly reactionary and deadened enterprise.

Expansive doctrines once espoused by the Ba'al Shem Tov had come to be labeled as heresies; the many descendants of the great Rebbes fought bitterly for the financial support of dwindling numbers of followers; the joyous love of fellow Jews gave way to harsh denunciation of those outside the Hasidic fold; political activism of any kind was scorned; and the movement produced only a handful of creative thinkers. Most Hasidic energies went into shoring up the battlements of tradition. The terrible dislocations of World War I and the multiple confusions of the interwar years quickened the pace of reaction and decline. And the dimension of Hasidism that had most disturbed its principled opponents, inside and outside traditional Judaism, namely the veneration of the Rebbe, took on disturbing proportions as the spiritual scale of that leadership narrowed.

This gloomier picture offers a richer understanding of why a sensitive young man such as Heschel abandoned the world of his youth. It also helpfully complicates the picture of Hasidism to which many American Jews subscribe, religious and nonreligious alike. In the decades before its final destruction at the hands of the Nazis, the Hasidic tradition was under siege not only from without, but also from within. In Eastern Europe, as elsewhere, the exquisite mixtures of piety and daring that make for spiritual greatness did not comport easily with the needs and the failings of institutional religious life.



ABRAHAM JOSHUA HESCHEL BY JACK COUGHLIN FOR THE NEW REPUBLIC

Thus the seeds of Heschel's decades-long project of reconstituting Hasidism may have been sown well before the Holocaust. Heschel himself contributed mightily to the idyll of Eastern Europe, to the romanticization of the shtetl. In 1946 he delivered a powerful eulogy for Eastern European Jewry and its spiritual beauty at the YIVO Institute in New York, which was later published as *The Earth Is the Lord's*. His audience was so moved by his Yiddish threnody that it rose to say kaddish. A rich Jewish spirituality certainly did exist in Eastern Europe; but in truth much of the milieu that Heschel so movingly recreated in his postwar writings had effectively vanished by the time of his bar mitzvah.

In Vilna, Heschel studied at a Yiddish-language, Montessori-style *gymnasium* whose faculty and students actively partook of the broader enterprise of creating an authentic, if un-Orthodox, Jewish culture. In particular he was drawn to a circle of budding poets which, several years after his departure, became known as *Yung Vilna*, or Young Vilna. One of Kaplan and Dresner's finest contributions is the attention they pay to this chapter of his life, and the close readings they offer of his poetry. Yet here, too, some questions remain unaddressed. In the recollections of one of Heschel's literary associates, we read that one day, after walking bareheaded through the streets of Vilna,

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Heschel, in an unlikely reversal of common practice, put on his hat on entering a nearby forest. When asked why, he replied: "For me, a forest is a holy place." This stunning pantheistic anecdote is simply presented as yet another instance of Heschel's poetic communion with nature. But how did Heschel arrive at such an antinomian position? We are not told. The reader is meant to marvel at Heschel's capacity for feeling, without asking about its origins, its complexities, or its costs.

In 1927, Heschel moved to Berlin. He enrolled at the University of Berlin's Faculty of Philosophy and attended the *Hochschule für Wissenschaft des Judentums*, which inaugurated him into the "scientific" study of Judaism. These institutions and the Berlin milieu introduced him to a galaxy of fascinating writers and thinkers, skillfully chronicled by Kaplan and Dresner. His move to Berlin partook of one of the most significant trends of twentieth-century Jewish cultural history, the discovery of Eastern European Judaism by the intellectuals of the West. The attempted synthesis of Jewish thought with the philosophical heritage of the Enlightenment, inaugurated by Moses Mendelssohn in the 1780s and culminating in the neo-Kantianism of Hermann Cohen, had run its course. The liberal bourgeois cultural aspirations that those ideas represented were no longer appealing to high modernists, and they were fatally done in by the catastrophe of World War I. Even before the war, Martin Buber and Franz Rosenzweig had begun to turn away from the rational and toward the nonrational sources of religious life—and this meant turning east, where unapologetic Jewish energies were still to be found.

The Eastern Jews, or *Ostjuden*, formerly an object of embarrassment to polite Jewish society, came to be regarded as the bearers of an authenticity uncontaminated by the deracinating and prosaic reduction of religion to ethics and aesthetics. This eastward turn coincided with the westward migration of a number of Eastern Europe's favorite sons. Also in Berlin in those years were Joseph Soloveitchik, scion of a family of preeminent Lithuanian Talmudists and later the chief philosopher of America's Modern Orthodoxy, and Menachem Schneerson, later to achieve fame as the Lubavitcher Rebbe.

These men, like Heschel, made their life's work the re-interpretation of Eastern European Orthodoxy in the terms of Western, and American, life. Soloveitchik and Schneerson stayed firmly within the Orthodox fold, but Heschel, while remaining personally observant, came to place himself in the liminal space between Orthodoxy and Westernized society, interpreting to the unchurched the world he had left behind. This transition was not without its pathos:

> In those months in Berlin ... I felt very much alone with my problems and anxieties. I walked alone in the evenings through the magnificent streets. I admired the solidity of its architecture, the overwhelming drive and power of a dynamic civilization.... Suddenly I noticed the sun had gone down, evening had arrived. *From what time may one recite the Shema in the evening?* [These are the opening words of the Talmud, which discuss the recitation of the *Shema*, the centerpiece of the obligatory evening prayers.] I had forgotten God—I had forgotten Sinai—I had forgotten that sunset is my business, that my task is "*to restore the world to the kingship of the Lord.*" So I began to utter the words of the evening prayer.... And Goethe's famous poem rang in my ear: *O'er all the hilltops is quiet now.* No, that was pagan thinking. To the pagan eye the mystery of life is death, oblivion. To us Jews, there is meaning beyond the mystery. We should say *O'er all the hilltops is the word of God.*... How grateful I am to God that there is a duty to worship ... to disregard my ego for at least a moment.

At the University of Berlin, Heschel encountered the thinking of Wilhelm Dilthey, whose method of *verstehen* sought to liberate knowledge from the limitations of dispassionate intellection and to legitimate an intuitive knowledge rooted in the thick webs of culture. He was also profoundly impressed by Husserl's phenomenology, and so for his thesis he chose to write a phenomenology of the Hebrew prophets. This choice of subject matter was of a piece with much modernist Jewish thinking. Through the nineteenth century and into the twentieth, writer after writer tried somehow to recover and reinterpret ancient Jewish texts within the radical newness of modernity. Particularly appealing to many were the later prophets, such as Isaiah, Jeremiah, Hosea, Amos, and Micah, who appealed because of their fierce moralism, their literary beauty, and (especially in Deutero-Isaiah) their lyrical universalism, which stood in contrast to the Talmud's legalism, intellectual intricacy, and more subdued spiritual tone.

Heschel, too, looked to the prophets for a modern faith. Drawing on, but parting interpretive company with, the historical and philological perspectives of *wissenschaft*, he offered a reconstruction of the prophetic experience as a personal encounter with the "divine pathos," God's insistent engagement with human

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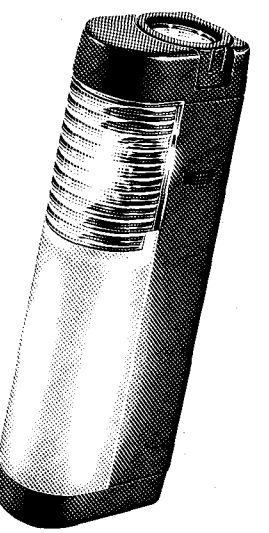

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beings and His unremitting call for social justice. In their translation of the Bible, first published in 1930, Buber and Rosenzweig emphasized the spoken quality of biblical speech, the "calling out" of God to humanity; "the moment," they wrote, "is passive, the word active ... the word wants to speak—to every moment, into every moment, against every moment." In "divine pathos," Heschel sought a concept that could encompass this idea of the God who calls out, in need of the prophet for His own fulfillment; a concept that joined the Hasidic focus on interiority with the ethical concern of the later prophets in a modern existentialist idiom.

In 1933, he published a collection of poems under the provocative title *Der Shem Ha'Meforash: Mentsh*, or *God's Ineffable Name: Man*. Kaplan and Dresner treat this important material astutely and sensitively, and demonstrate the appearance of later themes in these early writings. These foreshadowings begin with the epigraph: "I asked for wonder instead of happiness and you gave them [sic] to me"—a reference to the "sense of the ineffable" that was later to figure prominently in Heschel's American writings. These poems are characterized by a thoroughgoing sense of religious paradox, as the poet calls to the "Brother God" who is "imprisoned ... in the labyrinth of the Infinite," and God calls on the poet to help the suffering humanity whom He astonishingly leaves in their suffering.

An association with Buber led to a teaching post in the innovative adult education programs springing up in Germany in those years, thus inaugurating Heschel's lifelong career as a teacher and interpreter to a Westernized public of the traditional world of his youth. He wrote several studies of medieval Jewish philosophers, who served as cultural models not in their Aristotelianism but in their conscious attempts to reconcile biblical faith and Talmudic law with the philosophical currents of their day. At the *Hochschule* he supplemented his earlier Orthodox ordination, received at the hands of Menahem Zemba, a gentle luminary who was later murdered in the Warsaw Ghetto, with certification as a modern, Liberal rabbi. Why? Kaplan and Dresner do not really say.

But they affectingly depict the extraordinary cultural activities mounted by many German Jews through the 1930s. Through the frightening days of the Nazi ascendancy, Heschel kept up an amazingly hectic and productive schedule of writing and teaching. He made it to America in 1940, thanks to the resourcefulness of the Hebrew Union College, the seminary of the Reform movement, which rescued many scholars from Europe. His mother and three of his sisters suffered the fate of Europe's Jews. Kaplan and Dresner's volume ends with Heschel's arrival in America, yet the story they have told puts the decades of his later fame into some perspective.

In America, Heschel confronted a different kind of Liberal Judaism, far removed from the high scholarship and the abiding traditionalism of the *Hochschule*, and he became an early critic of what he found. This American Judaism had achieved the institutional heft and the cultural respectability that made it another denomination in America's religious life, with all the tepidness that implied. It was a creed that flowed together with mainstream American liberalism and the ethos of the postwar middle class. Judging from his writings of this period (many of which are gathered in *Moral Grandeur and Spiritual Audacity*), it provoked a powerful reaction in Heschel, leading him to cast himself as a spokesman for the intensities of tradition, though not for Orthodoxy.

Heschel aimed to shake things up. Thus, in an address delivered to the central body of the Reform rabbinate in 1949, he called for a return to *halakha*, the corpus of traditional Jewish law, the rejection of which had been the animating idea of Reform Judaism. He argued that a disembodied Judaism was hopeless and false, which was a striking statement to make to this particular audience. Yet the content of the *halakha* being urged on his audience was left largely undefined. Was it to be a return to Talmudic law, including ritual law? He did not say, and maybe he was himself unsure. This silence continued to haunt his writings in the coming years.

Heschel eventually found a home at New York's Jewish Theological Seminary, the fountainhead of the Conservative movement, and the American analogue to the *Hochschule* in Berlin. He was in some ways marginalized there, in part because he eschewed the historicist philology that characterized the Seminary's scholarship at the time. His leanings were more emotional, more mystical; but the presence at the Seminary of Saul Lieberman, a Talmudist and classicist of mind-bending erudition, with little taste for mysticism and less for Hasidim, did little to encourage research into the florid precincts of the tradition that exercised Heschel. (When Gershom Scholem came to the Seminary to give a series of lectures on Kabbalah in 1957, Lieberman introduced him with the observation that "nonsense is nonsense, but the history of nonsense is scholarship.")

In the early 1950s, Heschel produced the writings that established his place among American theologians, *Man Is Not Alone* and *God in Search of Man*. With these volumes, he offered a Jewish version of the existentialism moving through postwar theology. In the first book, he elaborated his notion of "depth theology," a kind of religious thinking that rather than focusing on "the content of believing" aims "to explore the depth of faith, the substratum out of which belief arises." In the second book, he put that idea to work in a striking vision of contemporary piety.

Following Buber and Rosenzweig, and the Hasidic teachers closest to his heart, Heschel articulated a romantic theology

Parachutes For Would Be Suicides

What one calls damaged glamour another calls debt.
Conceive a space that is filled with moving,
Populate it with tenors who sit still and wait,
The few who arrange the office and make it their own
Although it is not. One of them, the one least likely
Will fall from the greatest height and not be broken
So a bystander, distilled from a different committee, looks away
Like someone sending a telegram, unable to ask another
To stop, since the word is already part of a separate code:
A scavenger hunt in the house of cards, a three-point turn
With the caretaker counting, beyond which who knows what,
While contingencies of a grafted sky are stripped to acid rain
Masquerading as the coup de grâce that gentlemen never speak of.
It keeps coming closer but doesn't intrude, and it stays.
One calls it next-of-kin. The other, payback.

ANDREW ZAWACKI

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in which the individual's relationship to God stands at the center of religious discourse. Like the early Hasidim, he articulates a near-pantheism in trying to convey the grip of religious experience: "We are penetrated by His insight. We cannot think any more as if He were there and we here. He is both there and here. He is not a being, but being in and beyond all things. A tremor seizes our limbs.... But then a cry, wrested from our very core, fills the world around us.... It is one word: GOD.... The word that means more than universe, more than eternity, holy, holy, holy, we cannot comprehend it; we only know it means infinitely more than we are able to echo."

Heschel's theological innovation was to portray God as searching for human partnership even as the individual searches for the meaning of his life in a mysterious world. Heschel was addicted to mystery. "The mystery is an ontological category ... and may be experienced everywhere and at all times.... The world is something we apprehend but cannot comprehend." More, "God is a mystery but the mystery is not God. He is a revealer of mysteries." The ineffable is the starting point of religious awareness, and the Biblical God comes to answer that mystery through His commandment.

But there was nothing antinomian about Heschel's mysticism. Like Buber, he recast the notion of God not as a theological abstraction, or a forbiddingly distant sovereign, but as an intensely personal encounter with the very ground of our lonely human essence, an encounter that calls us out of ourselves and toward engagement with a divine Other and with human others in whom we recognize our own being and longing. But unlike the antinomian Buber, for whom the I-Thou encounter with God could not be captured by any normative legal categories and the very notion of structure ran counter to the redemptive infinitude of the divine, Heschel insisted on the concretization of that encounter in the commandments. "Spiritual ends come with a claim upon the person," he wrote. "They are imperative, not only impressive; demands, not abstract ideas." Heschel was pursuing a two-sided polemic, with the moderns who would dismiss traditional Jewish practice as dry legalism, and with an Orthodoxy that reduces that practice to what he called "religious behaviorism," unconnected to the broader spiritual and psychological precincts lying outside the ambit of ritual and law.

Yet his notion of the law, or *halakha*, was never clearly spelled out. He was certainly qualified by his youthful training to spell it out: when, in 1951, he published perhaps his finest work, a jewel of a book called *The Sabbath*, he was able to anchor his religious ideas in the concrete workings of a well-defined religious practice, and to argue that in the institution of the Sabbath the tradition provided a way out of the alienation of technological and commercial life. But a more thoroughgoing formulation of what contemporary *halakha* ought to be does not appear in his writings. Perhaps he did not arrive at one himself.

This frustrating silence broaches another difficulty with Heschel's work: its eloquence. He was a rhapsodist, and his writing leaves you wondering if you have been convinced by an argument or seduced by a sentence. The youthful poetry that Kaplan and Dresner have assiduously discovered and skillfully presented is striking for its continuity with Heschel's later work—and strengthens the nagging suspicion that Heschel is presenting poetry rather than theology, an intensely personal reworking of language in the light of a religious vision rather than a framework of ideas through which the tradition is to be understood. There is a maddening quality to Heschel's writing. It is too gorgeous for its own good.

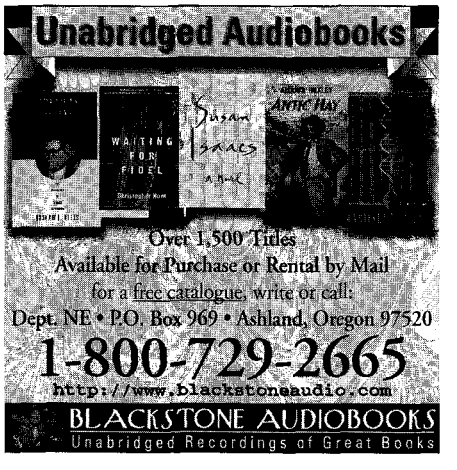
A former student of Heschel's has recounted an exchange in his classroom. "Gelatin: kosher or *treyf*?" he asked. As the students discussed the issue, he brought them up short with another question: "Nuclear weapons: kosher or *treyf*?" It was a fine moral provocation; it was also a pious rhetorical game. Heschel never offered a thorough analysis of how traditional moral and legal imperatives could sustainably guide democratic politics. It was a typical question, though: in the late '50s, Heschel assumed increasing prominence as an emissary of traditional Judaism to the wider world. (It was then that he grew the beard that he had done without in Europe).

He was one of the religious leaders invited to the White House by Eisenhower for policy discussions, and he participated in Kennedy's conference on aging. In 1961, he began a series of conversations with the Catholic Church hierarchy that ultimately led to a major role in Vatican II's dramatic revision of the Church's attitude toward Jews and Judaism. These activities were of a piece with the mainstream engagement of the Seminary's chancellor, Louis Finkelstein, and other colleagues; but in the '60s Heschel took a more activist turn. He met Martin Luther King in January 1963. In November 1963, he hosted King's appearance at a meeting of the United Synagogue, the umbrella organization of the Conservative movement. Heschel stepped up his public advocacy of the civil rights movement and eventually became an outspoken critic of the Vietnam War, founding (along with Reinhold Niebuhr and Richard John Neuhaus) an antiwar organization called Clergy and Laymen Concerned About Vietnam.

As those heady days unbridled so many things, they let Heschel give free rein to his understanding of biblical prophecy as a passionate moralism, whose very ferocity might testify to a divine presence so terrifyingly absent after the Holocaust. On the night after the march on Selma, Heschel told King that "I felt like I was praying with my feet." The comment owed its force to the fact that this was someone who knew what it meant to pray. His religious enthusiasm suddenly seemed like the foundation of his political activism.

In the last decade of his life Heschel completed three books, which were perhaps his most lasting contributions to Jewish thought—*The Prophets* (a revision of his dissertation), a lengthy Hebrew study of Talmudic theology entitled *Torah Min Hashamayim*, and two volumes in Yiddish on the Kotzker Rebbe. (A shorter English version of the last, *A Passion for Truth*, was finished literally days before his death in 1972.) Taken together, this trilogy represents an attempt to recast the main textual bodies of Jewish tradition—the Bible, Talmud and Midrash, and the Kabbalistic literature as realized in Hasidism—as resources for the modern religious existentialist.

In the revised edition of *The Prophets*, Heschel elaborated the theological idea



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underlying his writings, which he called "divine pathos," denoting "not an idea of goodness, but a living care ... an outgoing challenge, a dynamic relation between God and man; not mere feeling or passive affection ... no mere contemplative survey of the world, but a passionate summons ... an act formed with intention, depending on free will, the result of decision and determination." Heschel accepts the historical-critical perspective on the sacred texts, and he makes use of some of its findings, but he maintains that historicism is fundamentally irrelevant to a reading of the Prophets. Here as elsewhere he attempts to square the circle: to use historicism to loosen Orthodoxy's hold on the interpretation of Scripture, while using Orthodoxy's rigor to criticize the flabbiness of religious perspectives—vague mysticism and vague neo-Kantianism—that fall short of demanding concrete action; to use the phenomenological emphasis on individual religious experience to capture the personal relation to God, while insisting that the prophetic experience is intimately tied to ethics and justice.

The depth of Heschel's immersion in rabbinic literature became plain in his magnum opus on rabbinic theology (whose third and final volume appeared some years after his death), *Theology of Ancient Judaism*, or in the Hebrew original, *Torah Min Ha'shamayim B'aspaklariyya Shel Ha'dorot*, which means *Torah From Heaven in the Speculum of the Generations*. "Torah from Heaven" is one of the traditional designations for the doctrine of divine revelation at Mount Sinai; and the "speculum" recalls the famous Talmudic dictum that Moses's distinctiveness lay in his prophesying by means of a "shining speculum," in contrast to the dimmed prophetic instruments of all the rest. Heschel signals in his title that he seeks to tackle the idea of revelation. Once again, he does not think systematically. Instead he lays out, in crystalline Hebrew prose, a massive thematic anthology that reveals the diversity of the rabbinic understandings of revelation and demonstrates the classical antecedents of many of the radical ideas associated with the medieval Kabbalists and their Hasidic successors. The erudition is extraordinary, though it scants the questions posed by historical research, and freely mixes texts of different times and provenances.

As always, it was the passion in the texts that stirred him. In this work, too, he does not address the legal materials; instead he scours the voluminous nonlegal materials of ancient rabbinical literature and finds two schools of exegetical thought, one in which interpretation is constrained by the plain sense of the text and the formal requirements of legal reasoning, and another (the dominant one) in which the divine infinitude of the text yields an infinitude of interpretations. This latter view, seemingly the more congenial to contemporary sensibilities, has, in Heschel's view, actually served to the detriment of much modern Judaism, as it accords divine sanction to any rabbinical enactment that can locate itself in any allusion, however tenuous, in the biblical text. And yet it was this poetic, anthropomorphic interpretive license to which he himself most keenly vibrated.

And finally he offered a monument to the hero of his youth, Menahem Mendel of Kotzk. In two unforgettable volumes, he contrasted the ecstatic lyricism of the Ba'al Shem Tov with the Kotzker's austere and unremitting search for truth, for a kind of authenticity that, rather than sanctify the world, seeks to burn it away. He sees a kindred spirit to the Kotzker in his younger contemporary Kierkegaard. Both, says Heschel, "were outsiders, anguished by the moral and spiritual predicament of societies satisfied with their own stability." For both, "faith must possess the attributes of venture and risk, of choice and decision ... risk and abandon for a leap into the life of faith in God." Yet he perceived an essential difference between the two thinkers, rooted in their respective Christian and Jewish origins: "For Kierkegaard the primary fact attendant upon man's existence was his disengagement from God and his consciousness of it. The Kotzker, on the other hand, considered the disengagement a contingency rather than a necessity.... A Jew, the Kotzker said, was never absolutely separate from God, for in doing a *mitzvah* [commandment] he united himself with His will."

In these final books, Heschel came full circle. Mezbizh in the Ukraine, the home of the Ba'al Shem Tov, was also his father's home; and in his preface to his Yiddish study of the Kotzker, he wrote: "I am the last of a generation, perhaps the last Jew of Warsaw, whose soul lives in Mezbizh and his mind in Kotzk." The Holocaust was rarely an explicit theme in his writings, but it hovered over them all, a spectral presence evoked in his epigraphs, which memorialized the dead and evoked the biblical verses decrying the hidden face of God.

Assessing Heschel's place in twentieth-century Jewish thought is not easy. His books are certainly the most beautiful evocations of Jewish spirituality written in English, and they have inspired many to undertake their own theological and scholarly explorations of the tradition. He effectively argued that the focus on individual religious experience is empty without the binding commitments of tradition, and that a formal adherence to those ritual and legal norms without a corresponding sense of metaphysical relationship will easily degenerate into stupefying repetition. Still, Heschel did not positively describe the concrete workings of that commitment. He preferred to vault the abyss with soaring rhetoric and a profusion of ancient sources in which modern sensibilities might find an echo.

Perhaps Heschel's greatest creation was his persona, a model of piety combining traditionalism and activism, an otherworldliness that engaged itself in the turbulences of politics. His ecumenical understanding of religious experience was well suited to American life. Like the highly literary Trappist monk Thomas Merton, who tried to fuse Christian monasticism with Eastern spirituality and political activism, Heschel provided America with an image of religious authenticity that was obligingly loosed from traditional moorings, and that confirmed liberals in their political choices.

Those choices are no longer our choices. Our moral and political life is not usually a matter of simple goods and simple evils; and in these less dramatic days, it might be better nourished by the tragic realism of Niebuhr than by the prophetic absolutism of Heschel. Indeed, one cannot help thinking that the very fuzziness of much of Heschel's teaching is a part of his appeal to many American Jews, who want an experience of passion without bothering about its particulars. Heschel imparts a strangely contentless sense of the numinous.

In many ways, Heschel tried to rekindle the founding impulses of Hasidism, to recapture the vital spirituality whose decay caused him to flee Warsaw for the West. But his work at times contributed to a radiant picture of Hasidism that does not match its history. His romantic understanding of his life story ("I am a brand plucked from the fire"), obscures the real and largely unresolved tensions that drove him forward. The glow of catastrophe, after all, can be blinding. Notwithstanding the love and the veneration that he evoked in his many admirers, Heschel provided no lasting answers. But he asked big and powerful questions. His complexities and his contradictions may be illumination enough.

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Martha C. Nussbaum and Her Critics: An Exchange

To the editors:

In a recent issue ("The Professor of Parody," February 22), as an example of gullibility in the face of obscure prose, Martha C. Nussbaum trots out a secondhand quotation where I reputedly opine that Judith Butler is "probably one of the ten smartest people on the planet."

Had Nussbaum verified the quotation instead of citing a citation, she would have found a literary theory website introducing "The Grand PoohBahs: Often Named Jacques, but also Hélène, Luce, Michel, and occasionally Fred" (which also features Michel Foucault's head pasted atop a Pez dispenser). The original quote: "Judith Butler's ideas are sophisticated enough that people usually simplify them in cartoonish ways. Engaging her in a profound way necessitates an understanding of an intimidating list of difficult thinkers.... Probably one of the ten smartest people on the planet, and damn her—he said admiringly—she's only 34." It's called irony. Discerning readers are welcome to join me.

Without doubt, theory-minded academics often dismiss objections with unwarranted impatience. But when self-appointed defenders of clarity are unwilling to do the basic research we would require of any first-year composition student, perhaps that impatience is warranted. For the original, campy discussion of Butler (and now, Nussbaum) visit: *www.sou.edu/English/IDTC/Swirl/swirl.htm*.

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To the editors:

In her recent review of Judith Butler's work, Martha C. Nussbaum complains that feminists like Butler "find comfort in the idea that the subversive use of words is still available to feminist intellectuals." Her own essay is a better example of this confidence than anything written by Judith Butler.

Nussbaum believes that social-construction theories are the same as the analysis of gender as performative. And she will not allow Butler the freedom of expanding the Austinian performative into a more than verbal category. Since she so berates Butler for being impractical, she should have reckoned that social construction of gender theories being around since Plato is not quite the same thing as an intellectual pointing out that we all make gender come into being by doing it. Butler's performative theory is not the same as Austin's and not the same as social construction theories. She is addressing conventions in use, social contract-effects, collective "institutions" of elusive materiality, the ground of the political. No legal or political reform stands a chance of survival without tangling with conventions.

As an Indian feminist theorist and activist resident in the United States and honored by the friendship of such subcontinental feminist activists as Flavia Agnes, Farida Akhter, Mahasweta Devi, Madhu Kishwar, Rajeswari Sunder Rajan, Romila Thapar, Susie Tharu, and many others, I refuse the implicit matronizing reference to "rape law in India today, [which] has most of the flaws that the first generation of American feminists targeted" with which Nussbaum opens her subplot of Indian feminists as an example of what Butler is not. (How are we to treat Anupama Rao's serious consideration of Butler in "Understanding Sirsgaon: Notes Toward Conceptualising the Role of Law, Caste and Gender in a Case of 'Atrocity,'" for example? Instances of the use of Butler by Indian feminist theorists can be multiplied.)

This flag-waving championship of needy women leads Nussbaum finally to assert that "women who are hungry, illiterate, disenfranchised, beaten, raped ... prefer food, schools, votes, and the integrity of their bodies." Sounds good, from a powerful tenured academic in a liberal university. But *how* does she know? This may be her idea of what they should want. In that conviction she may want to train them to want this. That is called a "civilizing mission." But if she ever engages in unmediated grassroots activism in the global South, rather than championing activist theorists, she will find that the gender practice of the rural poor is quite often in the performative mode, carving out power within a more general scene of pleasure in subjection. If she wants to deny this generality of gender culture and make the women over in her own image, she will have to enter their protocol, and learn much greater patience and understanding than is shown by this vicious review.

"Butler's hip quietism ... collaborates with evil," Nussbaum concludes. Any involvement with counter-globalization would show how her unexamined, and equally hip, U.S. benevolence toward "other women" collaborates with exploitation. The solution, if there is any, is not to engage in abusive reviews in the pages of national journals.

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To the editors:

We were disturbed by Martha C. Nussbaum's attack on Judith Butler in the February 22 issue of THE NEW REPUBLIC.

One element we found particularly objectionable was Nussbaum's repeated attempts to dismiss Butler as a philosopher. At one point Nussbaum claims that Butler is seen as a major thinker "more by people in literature than by philosophers." She asks whether Butler's manner of writing "belongs to the philosophical tradition at all." As one who has contributed much to bringing literature and philosophy closer together, Nussbaum's questioning of Butler's attempts are disingenuous. Furthermore, Nussbaum's move is reminiscent of those who have tried to keep feminist concerns out of philosophy on grounds "that this is just not philosophy."

While Nussbaum raises some worthwhile questions, the element of vituperativeness in the essay is disturbing. Butler's contributions are not only described as "unconscionably bad" but the quietism Nussbaum claims to follow from them is said "to collaborate with evil." This rhetoric of overkill stands in striking contrast to the unquestioning adulation Nussbaum gives to Catharine MacKinnon and Andrea Dworkin. Given the authoritarian strains in the politics of MacKinnon

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and Dworkin, Butler's strong anti-authoritarianism is a useful antidote.

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To the editors:

Martha C. Nussbaum's review of Judith Butler takes as its premise the belief that the test of a theory's goodness is its positive political outcome. Yet we are offered no empirical evidence for this claim. Instead, we are presented with a manichean scheme which defines "good" theory as that which "is closely tethered to practical commitments," to "real" issues, to "the real situation of real women," to "real politics" and "real justice." It is irrelevant to Nussbaum's polemic that Judith Butler is on record in word and deed as a politically concerned person with "practical commitments" to "real politics," and that her writings have influenced what even Nussbaum would take to be "good" politics among Queer activists, feminist psychoanalysts, and lawyers working on women's rights. According to the logic of the argument, since Butler does not share Nussbaum's "normative theory of social justice and human dignity," Butler can only "collaborate with evil." In the guise of a serious book review, Nussbaum has constructed a self-serving morality tale in which she (along with Catharine MacKinnon and Andrea Dworkin) represents historically authentic and politically efficacious feminism, while Judith Butler (and the young, Francophile, sado-masochist minions who are said to follow her) indulge in "amoral anarchist politics" or "hip quietism" and so betray feminist goals.

Nussbaum conveniently omits all discussion of instances of "real" politics in her article, perhaps because the evidence is so damning to her argument. To deduce politics from theory, as Nussbaum does, is to misunderstand the operations of both. The job of theory is to open new avenues of understanding, to trouble conventional wisdom with difficult questions. The job of politics (in democratic societies, at least) is to secure some end in a contested, conflictual field. Politics and theory may inform one another at certain moments with successful or unsuccessful results—the outcomes are not predictable. Historically, though, one thing is sure: when the gap between theory and politics is closed in the name of virtue, when Robespierre or the Ayatollahs or Ken Starr seek to impose their vision of the "good" on the rest of society, reigns of terror follow and democratic politics are undermined. These are situations in which, to reverse Martha Nussbaum's reasoning, too much "good" ends up as "evil," and feminism, along with all other emancipatory movements, loses its public voice.

Sadly, Nussbaum's good versus evil scheme substitutes moralist fundamentalism for genuine philosophical and political debate among feminists—and there is much to be debated these days: Are all "women" the same? Who can speak for the needs and interests of "women"? How can political action address deeply rooted conventions about gender? Judith Butler has engaged these questions with great honesty and skill. Those of us looking for ways of reflecting on the situation of feminism today understandably prefer the provocative, open theories of Judith Butler to the closed moralizing of Martha Nussbaum.

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To the editors:

Are feminist theorists now divisible into two distinct groups, the activists and the "hip defeatists"? While Martha C. Nussbaum raises some serious issues about the relation between feminist theory and the day-to-day struggles of women around the world to achieve recognition of their dignity, her dichotomy between those feminists who are "materialists" and those of a "new symbolic type" who "believe that the way to do feminist politics is to use words in a subversive way, in academic publications of lofty obscurity and disdainful abstraction" is not only simplistic but obscures the crucial focus of second-wave feminism on the role of representations in shaping our reality.

We don't think that any feminist, Judith Butler included, believes that feminist political goals can be achieved in the ways attributed by Nussbaum to this "new symbolic type." But feminists of all stripes—as well as many other groups in the second half of this century—have long seen that questions of how we represent ourselves and are represented by others are central to the quest for justice. In her article, Nussbaum contrasts Catharine MacKinnon as the exemplar "good" activist feminist to Judith Butler, her epitome of the "bad" language-oriented feminist. Yet for both MacKinnon and Butler, feminist work is grounded in an insistence upon the material force of representations, linguistic as well as visual. Catharine MacKinnon and other antiporn feminists have taught us that pornographic images and words brutalize us as women and that resisting repression means finding ways out of these representations.

Judith Butler's work, including her rightfully famous insight into the performative aspect of identity, likewise focuses on the ways in which representations have constitutive force, the way in which who we are is deeply connected with how we are represented. But whereas MacKinnon's focus on the materiality of representation has turned toward legal reform, including the creation of an innovative civil rights ordinance written with Andrea Dworkin, Butler has argued that the struggle over representations should be fought out in politics.

This is a real difference between them and needs to be addressed. Feminist theorists, including one of the authors, have sought for years now to address this question of the parameters of legal reform and the possibilities of change through politics. Part of this involves a problem that has historically plagued analytic jurisprudence: How do we reconcile freedom and equality in a concept of right?

Given the stakes and seriousness of the work of these two theorists as well as the complexity that their work—and that of many, many others—seeks to address, Nussbaum's facile division of theorists into two camps is not only inaccurate, it is less than productive. Reading her essay, actually not much more than an ad feminam attack on Butler, one is indeed reminded—if ironically, if paradoxically—of David Hume, whom Nussbaum accurately characterizes as "a fine . . . a gracious

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spirit: how kindly he respects the reader's intelligence, even at the cost of exposing his own uncertainty." Would that Martha Nussbaum had honored Hume's philosophical spirit in her own review of Judith Butler's work.

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Martha C. Nussbaum replies:

Hedges's letter shows that I quoted him correctly. The larger context of his remark suggests that it may be hyperbolic; there is no sign that it is ironic. Perhaps Hedges confuses these two concepts.

Spivak is wrong to say that I equate social-construction theories with the thesis that gender is performative. I said that the latter, though built on the former, was Butler's one interesting new contribution. Butler can of course expand on Austin as she likes, but my claim was that Austin's views, which in any case she misrepresents, do not help her much with the project that she is pursuing.

I admire Spivak's work with tribal women: indeed I was thinking of it when I wrote that feminists in India, whatever their intellectual orientation, remain close to practical problems. But she should inquire about what I do before she makes assumptions. I have spent a lot of time during the past few years with activists and women's development projects in India. I have visited projects of many different types in different regions. I have never yet met a poor woman who told me she took pleasure in subjection, though there may be some who do. I have met countless women who struggle for access to credit, education, employment opportunities, political representation, and shelter from domestic violence.

My claims about rape law in India are correct: a victim's sexual history, for example, is still relevant evidence. I believe that there is nothing "matronizing" about making American readers aware of the fine work being done in this area by activists such as Indira Jaising, for whose advice and illumination I am grateful. In my forthcoming book, *Women and Human Development*, my claims about women in India are amply documented, as was not possible in a brief review.

Benhabib, Fraser, and Nicholson say that my claim that Butler is more sophist than philosopher is "disingenuous" because I have written that philosophy can derive insight from literature. This odd non sequitur might be valid if one supplied the tacit premise that sophistry is literature, or that Butler is a figure comparable to Proust and Henry James. But I see no reason to accept either of those assumptions. What I called "unconscionably bad" was not Butler's work in general, but her use of First Amendment legal materials in *Excitable Speech*. In that context, the phrase is appropriate. Finally, anyone who reads what I have written about MacKinnon and Dworkin will know that my attitude to them is not one of "unquestioning adulation," but rather of deeply respectful criticism.

Scott misses an important distinction. I was talking not about practical activities pursued by theorists, but about theorizing in a way that gives direction to practical political efforts. Butler may well have admirable practical commitments, but this does not change the fact that what she writes as a theorist offers no helpful direction for practice. I discussed many examples of theorizing that does provide such a direction, including writings about the reform of rape law, sexual harassment law, and the concept of sex equality more generally. Nor do I see how the scare-names of the Ayatollah and Robespierre undermine the value of the work of feminists who have helped make progress in legal reform.

Cornell and Murphy write an interesting letter that goes to the substance of what I actually argued. They are correct in noting that MacKinnon's thought has a significant symbolic dimension. The differences between MacKinnon and Foucault deserve a subtle investigation. I hope they will write such a study. Far from dividing thinkers into two camps, I made it clear that I respect some work in the Foucauldian-Symbolic tradition, including the work of Foucault himself. Butler doesn't seem to me a thinker of the same caliber.

TRB *continued from page 6*

established by treaty—perhaps signed by neighboring countries as well, so as to enhance their legitimacy and stability. International forces would police the borders for as long as necessary.

This would not give either side everything it wants, but it would give each side what is essential to its cause. Unlike autonomy, independence-cum-partition reflects the facts that are rapidly being created on the ground. Among these is the military exhaustion of both the KLA and the Serbs. The KLA is being badly hurt by the Serbs, and, official bravado notwithstanding, the Serbs are being badly hurt by NATO. A major reason for the failure of Rambouillet, which the Albanians themselves signed only after American arm-twisting, was the fact that neither side felt it had reached the point of diminishing military returns, as the Bosnian sides had by the time the Dayton accords were signed in 1995.

The argument against any form of independence for Kosovo is, of course, that NATO has no business redrawing international borders. But Kosovo's supposedly sacrosanct boundaries have been in flux since the Middle Ages. The current lines are an artifact of Tito's manipulations of the Serb-Albanian rivalry—he even briefly considered turning the province over to Albania. Would independence for Kosovo encourage nationalist irredentism from the Basque country to Kurdistan, as Friedman frets? The Basques are basically contented save for a few terrorists. The Kurds are already fighting to carve a state out of Saddam Hussein's Iraq, which is a good thing. In any case, it might be useful to signal certain folks—e.g., the Chinese overlords of Tibet—that keeping an inflexible grip on a captive people can backfire.

The major drawback of this idea is that it would, to some extent, ratify ethnic cleansing. Even if all Albanians who have been expelled from areas that become part of a new Albanian state were resettled, there would still be thousands who could not return to their former homes in the new Serbian sliver. There's no satisfactory answer to this—just a reminder about Dayton. That agreement left the Serbs in control of the eastern edge of Bosnia, which they had brutally cleansed of Muslims, hardly any of whom have since been resettled. It would be nice, in short, if U.S. and NATO war aims could be based on a clear record of principled opposition to any ethnic cleansing in the former Yugoslavia. Alas, it's way too late for that.

CHARLES LANE

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NEW HAVEN DIARIST

Wayward sons

SEVERAL YEARS AGO, ISRAELI PHOtographer Michal Ronnen Safdie went looking for graffiti. Every day, she would enter Jerusalem's Old City through the Jaffa Gate and head toward her apartment overlooking the Western Wall. Winding her way through the Muslim quarter, she found material: an Arab shopkeeper sitting in front of a store sprayed with a Jewish star; the words "HOW GOOD TO DESTROY" painted in Hebrew on a mosque. After Dr. Baruch Goldstein's massacre of Palestinians in Hebron, she photographed an Arab shop stained with the phrase "DR. GOLDSTEIN IS THE DOCTOR OF ALL OF ISRAEL." The images spurred Safdie, who is Jewish, to a kind of premonition. "I remember feeling," she told me, "that, if we can do this to our neighbors, we can do this to ourselves."

THIS MARCH 18, SAFDIE'S PREMONItion came true. She looked out from her apartment and saw a commotion near the Wall. It was a *Hachnassat Sefer Torah*, the dedication of a new Torah. In the center of a huge crowd, a man danced with the scroll. Sheltering him, held by four poles mounted on wheels, was a canopy shaped like a crown. Lights on the canopy flashed in red and yellow. Hundreds of ecstatic ultra-Orthodox men pressed close. Music blared.

SAFDIE, WHOSE 1997 BOOK *THE Western Wall* included many such scenes, grabbed her 35-millimeter Nikon and rushed down toward the noise. As she approached the festival, she felt a man in front of her kick backward. Then someone else kicked from the side. Then a white plastic chair was smashed over her head. Then she was doused with water. Finally, a security guard pulled her, bleeding, out of the crowd. The police told her that the attackers came from Shuvu Banim, an all-male yeshiva in the Muslim quarter. Its students were offended by a woman's presence. (They later claimed, unconvincingly, that they only pushed Safdie.)

SHUVU BANIM WAS FOUNDED IN 1977. That year, according to yeshiva lore, a young man graduated at the top of his class from Tel Aviv University. But he was spiritually lost and told his parents that he was going to India to find answers. Distressed, the young man's father sought out Eliezer Berland, who was known for turning secular Jews back toward the faith. He sent his son to the rabbi. All night they studied Torah and commentary, and, by the time morning came, the young man had become a religious Jew. Berland suggested several yeshivas where he could continue his study, but the young man would not leave. He insisted on studying with Berland, in the rabbi's tiny apartment, which he shared with his wife and six children. Soon, other young men came as well. When the group reached ten, they rented an apartment. When it reached 50, they rented a house.

BERLAND'S NEW YESHIVA filled an unusual niche. Most of its students did not grow up religious. The yeshiva claimed to worship in the tradition of Bratslav, a Hasidic movement with roots in early nineteenth-century Ukraine. But many of its students were Sephardic Jews. And, strangest of all, many of them, in their secular lives, had been in trouble with the law. (Shuvu Banim is the abbreviation of a Hebrew phrase meaning "return wayward sons.")

NONE OF THIS POSED A PROBLEM in the yeshiva's early days, when it was located in the town of B'nai B'rak. But Berland wanted to move to Jerusalem, as close as possible to the Western Wall. Most of the real estate near the Wall was in the Old City's Muslim quarter, an area that had been without Jewish occupants since Arab riots in 1936. But, on the first night of Hanukkah, 1978, Jewish resettlement of the quarter began, with the establishment of a yeshiva associated with the hypernationalist movement Gush Emunim. In 1981, Shuvu Banim followed, moving into a four-story building at 32 Rehov Hevron.

BUT THE BUILDING WAS NOT empty; it housed several Arab families. And it was in evicting them that the students of Shuvu Banim revealed that they had not completely broken with their thuggish pasts. *The New York Times* reported that in 1983 Shuvu Banim students beat unconscious an elderly Arab woman who lived in an apartment in the yeshiva complex. A former Israeli police inspector told *The Jerusalem Post* that the students routinely defecated and urinated on neighboring Arab houses in an effort to force out their occupants. In 1989, a 70-year-old Arab shopkeeper said men from the yeshiva hit him with iron bars. On three different occasions in 1989 and 1990, Shuvu Banim students attacked Ya'acov Fogelman, a modern Orthodox critic of the ultra-religious, beating him and hitting him over the head with a chair.

CONFRONTED WITH THESE STOries, and Michal Safdie's, ultra-Orthodox leaders say that Shuvu Banim is atypical. But it feeds off a larger climate. Right-wing Orthodox politicians insisted that the most xenophobic elements in Israeli society be allowed to take over buildings in an all-Arab neighborhood. And, when the newcomers committed acts of violence, these politicians repeatedly protected them. The human rights group B'Tselem reports that, in the 113 cases of Palestinians killed by Israeli civilians since the start of the intifada, only two of the killers received life sentences, and 38 got no jail time at all. And, as Michal Safdie foresaw, the fanaticism that leads to atrocities against Arabs eventually leads to atrocities against Jews. In recent months, Israel has witnessed a spate of attacks by the ultra-Orthodox. In the worst incident, last December, four ultra-Orthodox men broke into the apartment of a 78-year-old handicapped man and broke his hands—for watching TV on the Sabbath.

ON MARCH 18, AFTER THE MEN OF Shuvu Banim finished roughing up Michal Safdie, they went back to their yeshiva for a *shiur* (study session) led by Rabbi Berland. Berland recounted a story from the Book of Numbers. There was a drought in the desert, and the Jews blamed Moses. God told Moses to speak to a rock, which would bring forth water. But Moses did not speak to the rock. In his frustration, he struck it, and God punished him by denying him entrance into the Land of Israel. A person living in Israel, Rabbi Berland explained, should strive to free himself of anger.

AN IRONIC TEACHING, GIVEN THE night's events. But also I think a mistaken one. There is a time for anger. It is when innocent people are abused and their abusers are not held to account. A prominent Bratslav leader pleaded with me not to write this story. He said it could only inflame passions. He asked me to understand cultural difference. He appealed to me as a fellow Jew. But he didn't say a word about justice. And, for Michal Safdie and other Israelis who want to live in a liberal state, I think the time is approaching when justice must come first. No more false harmony. Civility is precious. But it is not as precious as truth.

PETER BEINART

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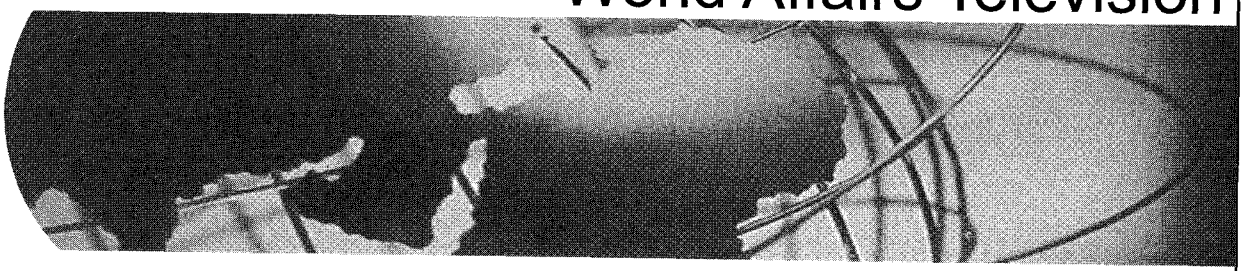

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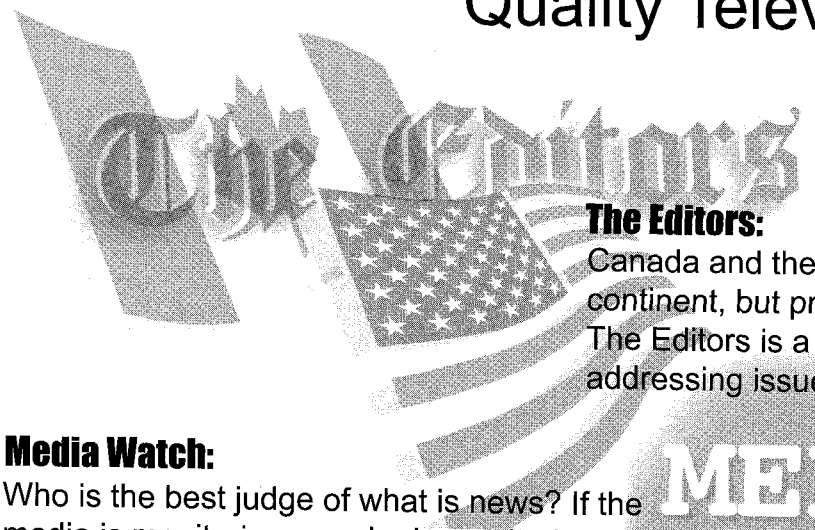

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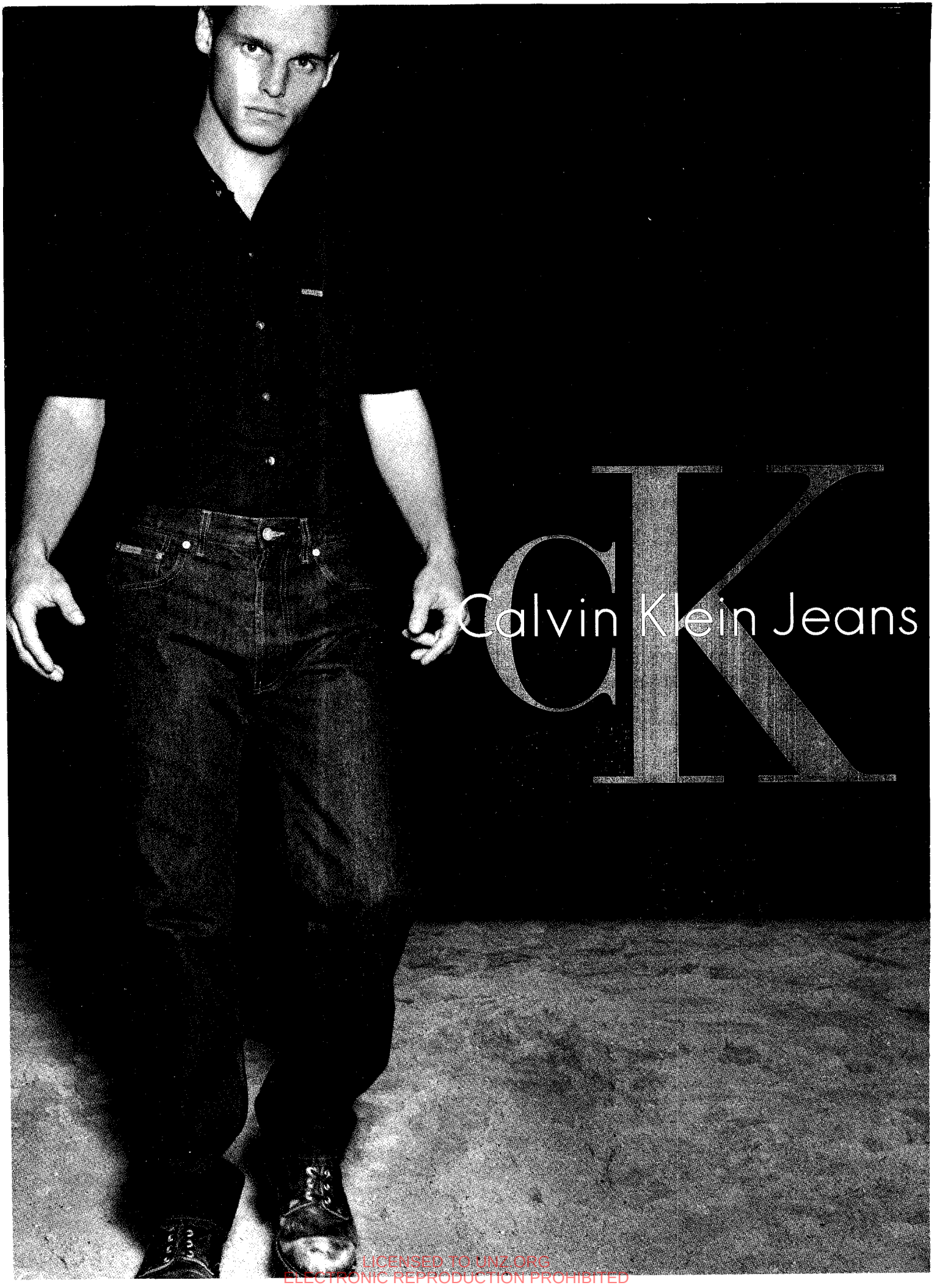

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